











[CAPE OF GOOD HOPE.]

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# ANSWER TO AN ADDRESS

OF THE

HONOURABLE LEGISLATIVE COUNCIL

TO

HIS EXCELLENCY THE GOVERNOR,

DATED 21<sup>ST</sup> APRIL, 1856,

FOR DOCUMENTS RELATIVE TO THE QUESTION

OF A

SEPARATE GOVERNMENT FOR THE EASTERN  
DISTRICTS OF THE CAPE COLONY.



Published by order of the Legislative Council.

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DOCUMENTS

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## ANSWER, &c.

No. 47,—1856.

ANSWER to an Address of the Honourable the Legislative Council to His Excellency the Governor, dated 21st April, 1856, for—

1. Copy of despatch of the late Sir Benjamin D'Urban, when Governor of the colony, relative to the removal of the seat of government from Cape Town to Uitenhage.

2. Copies of all official correspondence between the members of the Executive Council and the Governor of the colony, or the Secretary of State, upon the subject of the removal of the seat of government from Cape Town to the eastern province.

3. Copy of despatch from Earl Grey, when Secretary of State for the Colonies, to the Governor of this colony, on the same subject.

4. Copies of all correspondence between Governor Sir Henry Pottinger and Lieut.-Governor Sir Henry Fox Young, on the subject of the separation of the eastern and western provinces, and formation of the former into a distinct and separate government.

5. Copies of correspondence between Lieut.-Governor Sir Henry Fox Young, while Lieut. Governor of this colony, and Graham's Town, Port Elizabeth, and Graaff-Reinet, on the same subject.

6. Returns of all revenue received in the eastern province during the five years, ending 31st December, 1855, distinguishing the respective districts or divisions, and the several sources from which such revenue was derived.

7. Return of public expenditure in the eastern province, during the same period.

8. Return of expenditure in the eastern province, for the formation or repair of public roads, bridges, or ponts, during the same period.

9. Return of the road rates paid by the eastern province, distinguishing the contributions of the several divisions, during the same period.

10. Return of the number of convicts employed on the roads of the eastern province, during the last five years, ending December, 1855, and the cost of their maintenance, and of the "tools" supplied to them, together with the salaries of the respective officers having charge of them.

11. Similar return of convicts employed in the western province for the same period.

12. Return of colonial produce, distinguishing the articles exported during the year 1855, from Table Bay and Port Elizabeth, respectively.

Colonial Office, 22nd May, 1856.

### PAPERS CALLED FOR BY ADDRESS OF COUNCIL.

REFERENCE TO ADDRESS.	REMARKS.
No. 1 .....	Vide Appendix to Blue Book on Separate Government, p. 153, among the records of the Council.
No. 2 .....	Furnished herewith.
No. 3 .....	Ditto.
Nos. 4 and 5.....	Vide Blue Books, "Correspondence between Sir H. Pottinger and Sir H. E. F. Young, relative to Separation of Eastern and Western Provinces," and "Documents relative to the question of a Separate Government," both among the records of the Council.
Nos. 6 and 7.....	Furnished herewith.
Nos. 8, 9, 10, 11.....	In course of preparation, to be furnished separately.
No. 12.....	Furnished herewith.

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## CORRESPONDENCE, &c.

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Copy from Parliamentary Paper ; part 3, March 10, 1846, p. 58.

Sir B. D'URBAN to SECRETARY OF STATE.

Graham's Town, 26th June, 1835.

MY LORD,—In having the honour to transmit herewith a duplicate of my despatch of the 19th instant (sent by Lieut. Beresford), I request permission to offer to your Lordship's attention a few observations upon a subject which, as I think, is of great importance to the future good government of this colony.

The seat of the Colonial Government, Cape Town, is, without doubt, ill-placed with relation to the present extent and local circumstances of the colony. At the very extremity of the peninsula which forms it, Cape Town is too far from its central, northern, and, above all, its eastern provinces, even without the late addition of that of Queen Adelaide. This was not the case in the original extent of the colonial territory ; but it certainly is so now, and it sometimes occasions great inconvenience and embarrassment to the public service. It is 300 miles from the district town of the province of George ; 600 from that of Uitenhage ; 700 from those of Graaff-Reinet, and of Albany and Somerset ; great part of these communications, too, by very bad roads. If the lately acquired province be retained, the distance to King William's Town will be about 80 miles farther, 780.

At such distances respectively, there are many references to the Governor, of which the decisions are unavoidably retarded, to the inconvenience of the parties ; many things requiring his more frequent personal superintendence than it is now possible for him to afford it, without neglecting other duties : and the provinces where that superintendence is most frequently requisite are at once the most distant and the most valuable of the colony.

The practical result of all this has brought me to the conclusion that one of two remedies is absolutely necessary, and that even without considering the new province of Adelaide. One (and, in my opinion, the best) is the removal of the seat of government ; the other, the appointment of a Lieutenant-Governor for the distant provinces.

In the last of these, besides a great increase of expense by an additional establishment, which will be considerable, I foresee great collision and want of efficient co-operation and much resulting inconvenience to the public service. This, therefore, I cannot recommend ; but I am of opinion that the first may be applied, with no comparative difficulty in execution to its prospective advantages.

For this end I would propose to remove the seat of government to Uiten

hage. Its position is central, and exceedingly well adapted, as it appears to me, to all the purposes of a seat of government, with relation to the different provinces and other circumstances of the colony. Its communications with England would be direct by Port Elizabeth, 18 miles off, where Algoa Bay affords a harbour which only requires a lighthouse and a landing pier (works of considerable expense compared with the object of them) to render it excellent and perfectly fit for its purpose. Upon this point I may here say, that the naval officers who have been recently there co-operating with me entertained a very favourable opinion of it, which was certainly borne out by the fact that, during six months, notwithstanding the number of vessels continually lying there for the supply of the troops and inhabitants in the eastern districts, and in all the various winds which have from time to time prevailed during that period, not one has been lost, nor has any cargo, that I am aware of, in the absence of a pier, failed of being safely landed. Cape Town might still remain a commercial port, and its communications with Port Elizabeth by steam navigation, which would naturally result from the proposed change, would be rapid and continual; and Simon's Bay, as now, be the naval dépôt and station.

I have ventured to offer my view upon this subject to your Lordship, because I think it my duty in the circumstances; it is at least the result of practical experience, and of mature consideration.

If, however, your Lordships should not concur with me in it, then a Lieut.-Governor, with a certain establishment, should be placed at Uitenhage, to execute for that province, and those to the northward and eastward of it, all the ordinary functions of the executive, under the general superintendence and authority of the Governor, to whom should be reserved the higher powers which His Majesty delegates, of pardon, the fiat of condign punishments, the enactment of colonial ordinances, &c.

And in this case I do not think the Lieut.-Governor's salary could be fairly less than £1,000 a year, with a house, secretary, &c., and the necessary establishments of his office; and should this be so determined, it appears to me that, considering, too, the unquiet state in which these border districts must inevitably continue for a considerable time to come, there is no person so well calculated to serve His Majesty efficiently in the capacity of Lieut.-Governor as Colonel Smith, now holding the military command in the province of Queen Adelaide, who is besides, as your Lordship is aware, *ex officio*, as senior officer of the troops, actually the successeur of the Governor, in case of the death or absence of the latter. This arrangement, however, of a Lieut.-Governor, as I have already said, I do not recommend; nor do I think it judicious, or one that will well succeed in practice. If the other (the removal, namely, of the seat of government, which I do recommend, because I think it will answer its purpose) be adopted, and if also the new province of Adelaide be, as I earnestly hope it will, retained, then I request your Lordship, because I know it will be for the true interests of His Majesty's service, that Colonel Smith may be appointed Civil Commissioner of that province, with the ordinary emoluments of that appointment (£500 a year and a secretary), continuing also in the military command of the district, as at present.

I have the honour, &c.,

(Signed)

E. D'URBAN.

Correspondence between the Right Hon'ble Sir HENRY POTTINGER, Bart., G.C.B., Governor, His Honour Sir H. E. F. YOUNG, Kt., Lieutenant-Governor, Eastern Districts, and others, respecting a Separation of the Eastern and Western Provinces, &c.

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Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 30th April, 1847.

His Excellency the Right Honorable

Sir HENRY POTTINGER, Bart., Governor, &c. &c.

SIR,—My attention has been drawn to the existing laws for the making and repairing of roads throughout the colony, and, if I rightly interpret them, it would seem that a Central Board at Cape Town have the care of the main roads; and that certain Divisional Boards in the Eastern Districts have the care of the branch roads of that portion of the colony.

The Divisional Board is invested with the authority of the Central Board, but only so far as respects branch roads; and the road from Port Elizabeth to Graham's Town is, under the denomination of a main road, excluded from the care and control of the Divisional Board of Albany.

In December, 1846, the Central Board made known to the Divisional Board of Albany its intention to continue the Howison's Poort portion of the main road from Port Elizabeth to Graham's Town; the Divisional Board, in the same month of December, 1846, expressed its satisfaction at the intentions of the Central Board; and its opinion, as requested to be given by the Central Board, that at the commencement of 1847 it would be safe and expedient to enter on the work.

In April, 1847, convicts are directed to be sent from Graham's Town to be employed on Cradock's Kloof in the Western Districts, although labour is required on the Howison's Poort road; and that convict labour can by law be as well applied to the one road as to the other.

With this arrangement, the Divisional Board are dissatisfied.

In their dissatisfaction, I feel bound to say, it appears to me that they are reasonable.

It seems to me to have been a defect, or imperfection, or inequality in the system for the care of roads throughout the colony, that the Divisional Board of Albany should not possess over the main roads of the Eastern Districts the same powers as the Cape Town Board possesses over the main roads of the Western Districts.

Nor can I think it reasonable that whilst convict labour is required, and may lawfully be used, on the main road of the eastern districts, it should be abstracted from thence to be applied to the main road of the western districts.

The laws respecting convict discipline are as capable of being enforced at the one place as at the other. The like executive machinery may be employed at both places.

Of the importance of the road by Howison's Poort nothing need be added to the concurrent opinions of the Central Board and the Divisional Board; nor is the question of time as respects the progress of the work at all in conflict between the two Boards. These points are sufficiently established by the documents which I have perused.

Under all the circumstances of this case, as illustrative of the inconveniences resulting from the present unequal distribution of authority between the Road Boards of the two great divisions of the colony, I beg respectfully to

move your Excellency to instruct the Attorney-General to prepare ordinances for limiting the authority of the Central Board at Cape Town to the care of roads in the western districts; and for conferring on the Divisional Board of Albany the style and title, and the powers, of a Central Board in respect to roads in those last-named districts.

I apprehend that the convict discipline ordinance may, perhaps, also require an amendment, declaratory of the power of the Lieutenant-Governor of the eastern districts to be, on this subject, identical with that of the Governor in the western districts; unless, as I think most probable, the Attorney-General should be of opinion that Her Majesty's commission and instructions to the Lieutenant-Governor are sufficiently explicit as to the present existence in the latter functionary, in the eastern districts, of every power and authority which can be exercised by, or be vested in, the Governor, and that this last-named amendment is therefore superfluous.

The amendments of the road laws, to which I refer, would not divert from the common treasury of the colony any portion of the general revenue.

The funds applicable to roads are not now applied to purposes of general expenditure; they are specifically appropriated to, and expended by, the Road Board at Cape Town. The improvement on this method consists in stimulating the payers of taxes for road purposes to pay them more cheerfully, because of their local representatives being invested with the power of raising and expending them, locally.

Of the zeal and laudable spirit of the inhabitants of the eastern districts, in regard to road-making, no better or more striking instance can be submitted to your Excellency's notice than the voluntary offer of the Howison's Poort farmers to relieve the Central Board at Cape Town of the expense and trouble of that portion of the main road from Port Elizabeth to Graham's Town, which I know, from personal experience, to be most difficult, and at present nearly impassable.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

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Civil Commissioner's Office,  
Graham's Town, 13th April, 1847.

The Secretary to the Central Board, Cape Town.

SIR,—I have the honour to transmit to you copy of a letter just received by me from several farmers, being near Howison's Poort, and to acquaint you that 28 males and 4 females have been sentenced by Mr. Justice Musgrave. May I therefore request you to furnish me with instructions, whether the parties at present applying may be permitted to open the Pass in Howison's Poort as proposed, or if it is the intention of Government, or the Central Board of Roads, to have the work completed.

I have, &c.,

H. HUDSON,  
Civil Commissioner for Albany.

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Graham's Town, 12th April, 1847.

H. HUDSON, Esq., Civil Commissioner,  
Division of Albany.

SIR,—We, the undersigned, farmers residing in the neighbourhood of Howison's Poort, beg leave to bring before your notice, that as no probability apparently exists, on the part of the Central Board, in causing the pass in Howison's Poort to be opened, and much inconvenience having resulted therefrom, and accidents occurring daily thereby, preventing farmers attending the



market with their produce in consequence of the same being impassable,—we deem it expedient, for the safety, protection, and benefit of carriers and travellers passing on that road, to cause the same to be immediately opened, and have therefore subscribed a sufficient sum for carrying out and accomplishing the same.

You will therefore be pleased to take the above circumstances into your consideration, and grant us your permission for opening the pass in question, at our cost and charges.

Your early attention to this subject is solicited.

We have, &c.

H. KEULDER, q.q. N. LAKE.

J. T. POHL.

B. WOEST.

J. C. FERREIRA.

J. MALANG.

J. RENSBURG.

N. LAKE.

W. STANTON, Field-cornet.

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Office of the Central Board of Commissioners  
of Public Roads, Cape Town, 11th December, 1846.

The Secretary to the Board of Public Roads  
for the Division of Albany.

SIR,—I am directed by the Central Board of Commissioners of Public Roads to observe to the Divisional Board of Albany, that the Central Board have been unable, with the exception of Howison's Poort, to commence the construction of any main road in that division, until the survey which was undertaken, to ascertain the best lines of road, had been completed, and the plans for bridging the rivers, determined upon. These objects having now been completed, I am instructed to inform the Divisional Board that the Central Board are prepared to make the road from Port Elizabeth to Graham's Town, by placing a party of free labourers at each end of the line, to work towards each other until they meet. Should the Divisional Board consider that the most advantageous work which can be undertaken for the division, the Central Board presume, from the present aspect of the Kafir war, that this work can be undertaken with safety at the commencement of next year; but upon this point they would also be glad to receive the opinion of the Divisional Board.

I have, &c.

W. TENNANT, Secretary.

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Office of the Board of Public Roads for the Division of  
Albany, Graham's Town, 22nd December, 1846.

The Secretary to the Central Board of Commissioners  
of Public Roads, Cape Town.

SIR,—I am directed by the Board of Public Roads for the Division of Albany to acknowledge the receipt of your letter of the 11th instant, and with reference thereto to state, that the Board is of opinion that the main road from Port Elizabeth to Graham's Town is the most advantageous which can be undertaken by the Central Board for this division, and the Board consider it of the greatest importance that that work should be commenced by parties placed at each end, working towards each other until they meet, and that it can with safety be resumed at the beginning of the next year.

The Board take this opportunity of suggesting to the Central Board the

expediency of placing the whole strength of the party, in the first instance, at that part of Howison's Poort called the "Krantz," and keeping them there until that part is wholly completed. Not only does this pass, which is now quite impassable, prevent the farmer from bringing his produce to market, but it also prevents the free and open communication with the richest part of the district from which the Commissariat supplies of grain, &c., are chiefly drawn, and the impediments which this road has presented to the merchant, as well as to the public service, the loss of, and damage done to property, in consequence of its unfinished state, and the inconvenience and loss of time occasioned by carriers and others having to take a circuitous route to reach this town, are deemed by this Board to be reasons of such importance as to call upon them to submit to the Central Board the necessity of completing this necessary work as early as possible.

In conclusion, the Board beg to submit, in order that an effective control should be had, and that this work may be completed as early as possible, the propriety of placing the superintendent under their orders, so far as the Howison's Poort road is concerned.

I have, &c.,

J. H. B. WIENAND, Secretary.

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Office of the Central Board of Commissioners  
of Public Roads, Cape Town, 22nd April, 1847.

The Civil Commissioner for Albany.

SIR,—I am directed by the Central Board of Commissioners of Public Roads to acknowledge the receipt of your letter of the 13th instant, transmitting a memorial from several farmers living near Howison's Poort, requesting to be permitted to open the pass at their own cost and charges, as no probability apparently exists on the part of the Central Board to undertake that work; and in reply, I am instructed to acquaint you, for the information of memorialists, that the Central Board, as far as they are concerned, have for some time since been prepared, as stated in their report to the Right Honourable the Governor, of the 25th February, and which was published in the *Government Gazette* of the 4th March last, to enter upon their intentions in respect of the Howison's Poort, but that they have only been deterred from recommencing their labours there, on account of the general impression of the continued insecure state of the frontier, and in the absence of any further communication from the Board of Public Roads for Albany, with reference to the last paragraph of the Central Board's letter to them of the 11th December last, in which that Board was requested to give the Central Board their opinion when the work could be undertaken with safety, but to which the Divisional Board's reply of the 22nd December does not relate; but as your letter under acknowledgment seems to imply that the time has arrived, that the works at present suspended may be safely resumed, the Board have to acquaint you that they will be prepared to cause the works in the Howison's Poort to be recommenced forthwith, upon receiving your official communication that the state of the country will permit of such being done.

With reference to your intimation about the convicts recently sentenced by the judge on circuit, I am instructed to inform you, that the disposal of the convicts is a matter of convict discipline, and forms no part of the Board's functions. The Board have ascertained that the Secretary to Government's instructions in this respect have already been conveyed to you.

I have, &c.

G. S. WATERMEYER, Acting Secretary.

Civil Commissioner's Office, Graham's Town,  
27th April, 1847.

The Secretary to the  
Central Board of Roads, Cape Town.

SIR,—I have the honour to acknowledge the receipt of your letter of the 22nd instant, and in reply, to state that, on reference being had to the communication of the Divisional Board of the 22nd December last, it will be seen that that Board stated that they considered that the work could with safety be resumed at the commencement of the year. As far as I am able to judge I see no cause for dissenting from their opinion, and I consider that the work at Howison's Poort may with safety be resumed immediately.

I have, &c.

H. HUDSON, Civil Commissioner for Albany.

Colonial Office, Cape Town, 15th April, 1847.

The Civil Commissioner, Albany.

SIR,—I am directed by His Excellency the Right Honourable the Governor to request you will cause all the prisoners convicted at the last Circuit Court, and sentenced to hard labour for upwards of three months, to be forwarded to the North Station, Cradock's Kloof, without waiting for their names being sent to you, after my receiving the list from yourself.

You will hire wagons for this purpose, and procure an escort, under a proper person, to take charge of the whole, who will be responsible for their safe delivery at Cradock's Kloof, and upon whom you will impress the necessity of the greatest vigilance on the road, in order to prevent escape.

I have, &c.,

JOHN MONTAGU.

Camp, Fort Peddie, May 4, 1847.

His Honour Sir HENRY YOUNG, Kt.,  
Lieut.-Governor, &c. &c.

SIR,—I have carefully perused your Honour's letter, dated the 30th of last month, with its accompaniments, on the subject of roads.

I deem it to be quite proper that all parts of the colony should be equally looked to in that respect; and I may add, from my personal observation, that I consider the question of the immediate completion of Howison's Poort, as well as the repair of the whole road between Graham's Town and Port Elizabeth, to be second to none in general advantages to the traffic and prosperity of the colony at large.

I shall therefore forward your Honour's letter to Cape Town, to be laid before the Hon'ble the Executive Council for its advice, with a view to the arrangements you suggest, or others, for the attainment of the same end, being adopted with as little delay as possible; but as the ordinance on which the whole system is based is of comparatively recent date, and has been subsequently amended by another, it will require the fullest deliberation and inquiry, and possibly a reference to the Secretary of State, before I can take upon myself to propose to the Legislative Council to pass an ordinance which would, in the matter of roads, establish two separate and perfectly independent executive authorities in the colony.

I have, &c.,

HENRY POTTINGER.

## MEMORANDUM.

I forward herewith a letter which I have received from His Honour the Lieut.-Governor, with various accompaniments, and the drafts of my reply. I beg that they may be laid before the Hon'ble the Executive Council, for its advice and opinion. I am decidedly of opinion that measures should be adopted, forthwith, to complete Howison's Poort and to put the road between Graham's Town and Port Elizabeth into perfect order. This might be done as one means of finding work for the *thousands* of persons who have latterly been living at the public expense, and who are now about to have that idle means of subsistence terminated, by the stoppage of rations. Personally, I feel not the smallest objection to Sir Henry Young's proposal for an ordinance, but I think it would not be approved of by Her Majesty's Government; and, at all events, it should not be refused without being most fully weighed in all possible bearings.

HENRY POTTINGER.

Camp, Fort Peddie, 5th May, 1847.

## MEMORANDUM.

Colonial Office, Cape Town, 15th May, 1847.

The Right Honourable

Sir HENRY POTTINGER, Bt., K.C.B., &c. &c.

In obedience to the directions of the Right Honourable the Governor, conveyed to us in his memorandum of the 5th instant, requiring our advice and opinion upon a letter from His Honour the Lieut.-Governor, dated the 30th April, and His Excellency's reply thereto, dated the 4th instant, regarding roads and convicts, we have the honour to submit the documents enumerated in the margin,\* to which we request the particular attention of His Excellency. By them it will be seen that the present road administration, and the existing system of convict discipline, were adopted after extensive inquiries made, and the whole subject had been thoroughly sifted, with the view of establishing and acting upon the most beneficial principles in regard to both,—and we are decidedly of opinion that no change whatever should be made, either in the one or the other, without the previous authority of the Secretary of State.

We further submit, for consideration, the three reports made for the years 1844-45-46, by the commissioners of the Central Road Board, showing what their proceedings have been, the last of which will explain, we hope satisfactorily, why the Howison's Poort road is not completed, and the road between Graham's Town and Port Elizabeth has not been sooner taken in hand by that Board.

It will also show that those works will be immediately commenced, and that the sum of £10,000 has been appropriated by that Board for them, in addition to whatever may be required for completing the Howison's Poort road.

The first undersigned begs to state, that as soon as Mr. Hudson's letter (of which a copy is annexed to the Lieutenant-Governor's letter) of the 27th of April was received by the Central Board, in which it is stated that, in Mr. Hudson's opinion, the work at Howison's Poort might be with safety resumed, the Board gave immediate directions to Lieutenant-Colonel Michell to organise a working party and its necessary establishment, to proceed to the work without delay, all of which instructions, he has reported to the Board, have been attended to by him. It will also be seen by the same report, that by the end of the present year

\* Despatch and Enclosures, Sir G. Napier to Lord Stanley, No. 212, 27th October, 1843; Despatch from Lord Stanley to Sir G. Napier, No. 22, 12th February, 1844; Despatch and Enclosures, Sir George Napier to Lord Stanley, No. 9, 23rd January, 1844; Despatch from Lord Stanley to Sir G. Napier, No. 52, 24th April, 1844; Despatch and Enclosures, Sir P. Maitland to Lord Stanley, No. 39, 3rd March, 1845; Despatch and Enclosures, Sir P. Maitland to Lord Stanley, No. 57, 26th February, 1846; Despatch from Mr. Gladstone to Sir P. Maitland, No. 70, 26th April, 1846.

the convict gang, now at work at the Cradock's Kloof Pass, will be removed to open the passes of the Zuurberg mountains in the eastern division, where they will probably be employed for between two and three years. We would here observe, that there are between 400 and 500 convicts in the whole colony, two-thirds of whom have been employed at the Cradock's Pass since the year 1844; the other third, after having assisted to make the hard road across the Cape Flats, are now employed in opening the Mosterd's Hoek, in the western division of the colony.

It is true that up to the present time none of the convict gangs have been *actually* employed *within* the eastern division, but we submit they have been employed *for* that division, by opening the Cradock's Pass, that pass being within a few miles of the boundary line which divides the western from the eastern division. In point of fact, it is a work of as much importance, utility, and benefit to the eastern as to the western division of the colony.

In some respects it is of more consequence to the eastern, seeing that a large amount of produce consumed in the eastern is brought there from the George and Swellendam districts, in the western division, the cost of which will be very much reduced by the opening of the Cradock's Pass.

The difficulties of making that pass have been greater than were at first contemplated; but it is a stupendous work, and of greater magnitude than any other which will be attempted in the colony. We are of opinion that no person, who takes a comprehensive view of the wants and necessities of the colony, *as a whole*, will hesitate to pronounce upon the importance of opening that pass, in preference to any work actually within the eastern division. The mountain in which it is situated, of between 3000 and 4000 feet in height, *must* be traversed on the direct main line of road between Cape Town and Graham's Town,—*it is impossible to avoid it*.

Upon the old Cradock's Pass it required 32 oxen to carry a wagon-load of the ordinary weight over it, and it occupied between 14 and 18 hours, and very often more, accompanied by much danger and damage to the animals and property; accidents to both being of very frequent occurrence. By the new pass the same load will be carried through the mountain by 8 bullocks, in 2 hours, without any danger or damage to animals or property.

We do not think it necessary, with the documents we submit, to vindicate in detail the two systems the Lieutenant-Governor desires to alter, but we cannot conclude without again expressing our unanimous opinions and advice to the Right Honourable the Governor, not to disturb the existing road administration, or system of convict discipline, without the previous authority of the Secretary of State.

JOHN MONTAGU,  
HARRY RIVERS,  
W. PORTER,  
W. FIELD.

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Graham's Town, June 21, 1847.

His Honour Sir HENRY YOUNG, Kt.,  
Lieutenant-Governor

SIR,—With reference to my letter dated 4th of May last, I have the honour to forward, for your Honour's perusal and information, a packet of original papers (including a minute of the Executive Council), which were transmitted to me some weeks ago from Cape Town, but which I have not till yesterday had time to attend to.

A perusal of these documents, in conjunction with the Ordinances No. 8, of 1843, and No. 12. of 1844, have confirmed the views I took in my letter to you, of the 18th instant. I am, however, happy to see that the Central Board of

Road Commissioners had arranged for giving effect to your wishes; and I beg to repeat my assurance that any suggestions and plans which you may offer for the improvement of the eastern portion of the colony will, at all times, meet with my ready attention and full consideration, as well as my conviction, grounded on personal observation, that that feeling is cordially participated in by the members of both the Executive and Legislative Councils.

As some of the documents now sent are, I am informed, the only copies, I have to beg that your Honour will have them carefully returned to me, when you have quite done with them.

I have, &c.,

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 14th June, 1847.

His Excellency the Right Hon'ble

Sir HENRY POTTINGER, Bt., Governor, &c. &c.

SIR,—I have the honour of forwarding to your Excellency a copy of a letter this day received from the Civil Commissioner and Resident Magistrate of Somerset, in reference to the expenditure of the road rates levied in that district, which expenditure, although large in amount, has hitherto been without the least local advantage to the inhabitants.

It appears that a road over the Zuurberg mountain would open up an almost direct communication with Uitenhage, Graaff-Reinet, Somerset, and Cradock, over a tract of country which, with the solitary exception of the Zuurberg mountains, is remarkably easy of transit; would thereby not only augment the internal traffic of the country, but would facilitate the conveyance of a vast amount of produce to its port of shipment at Algoa Bay, from which it is now nearly altogether excluded.

The expense of constructing the Somerset portion of the Zuurberg road is estimated at £500. The inhabitants of Somerset, like the other inhabitants of the colony, are liable to two rates for road purposes. These rates are usually levied in succession, and not both jointly in the same year: the one rate ought to be applied to main roads of the district by the Central Board; the other rate ought to be applied by the local divisional board to branch roads of the district.

The rate for the *main* roads of the district in 1845 has been paid over to the Central Board, and amounts to £732 10s., and not a shilling of it has been so expended.

The rate for the *branch* roads of the district in 1846 amounted to £732 10s.; and £500 of this sum has been promised to the Central Board. Thus the Central Board has had at its disposal, for the purpose of the *main* road of the district, £1232 10s., without expending in the district any portion of it whatever; although the sum thus contributed by the district far exceeds what is the estimated expense of constructing the district proportion of this important main road.

Independently of this pecuniary aid, the Central Board has had also the monopoly of the convict labour of the district of Somerset, and of all the other eastern districts.

I learn from personal communication with the Civil Commissioner of Cradock, that that district, too, has in like manner had abstracted from it the amount of the rate for the main roads for 1845, and that the next rate to be levied is also required by the Central Board; and that it, too, has sustained the loss of the labour of the Cradock's convicts; whilst the roads of the Cradock district remain as unimproved, indeed as untouched, by the Central Board, as are those of Somerset.



These striking instances of the grounds on which the inhabitants of the eastern districts are dissatisfied with the present mode of expending the road rates by a Central Board situate at the inconvenient distance of Cape Town, have come to my knowledge since the date of my communication to Your Excellency, on the roads of the district of Albany, and I feel it to be my duty to make them known to Your Excellency.

I cannot doubt that road-making would progress under a Central Board in the eastern districts on a system, in point of general convenience, quite equal to that which prevails under the administration of the Board at Cape Town; more expeditious in point of time, as regards these eastern districts, and more to the satisfaction of its inhabitants, who cannot at present comprehend, or acquiesce in, the justice of devoting the convict labour and the public district taxes of the eastern districts to road-making in the western districts.

In conclusion, I have respectfully to request that, as the Central Board at Cape Town have not as yet entered on the construction of the Zuurberg road, nor even obtained a survey of the most eligible line, the work may be left to be commenced and finished by the respective Divisional Boards through whose districts the road is to pass, and that the fittest general line of direction through each district may be forthwith reported on by a competent surveyor, to be specially employed for the purpose; and thereafter, that the same be notified to the Divisional Board, for their information and guidance.

By these means, unity of plan, and expedition in the execution of its several parts, will best be attained.

It will also be necessary for the Central Board to refund to the eastern districts all rates collected within them, but expended beyond them, and that the Divisional Boards be instructed to advertise for labourers to the extent of the funds at their command in their districts respectively, including the amounts to be refunded from Cape Town.

I am so convinced of the public utility of this plan, and of the public zeal with which the several districts would enter on its execution, in detail, that I trust Your Excellency will excuse the importunity with which it is urged.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Civil Commissioner's Office, Somerset, 10th June, 1847.

His Honour Sir H. E. F. YOUNG,

Lieutenant-Governor, &c. &c.

SIR,—Fully aware that the important subject of the making, repairing, and keeping in order of the public roads of the eastern districts receives your Honour's attention, and as you may not be in possession of what has passed between the Central Board of Public Roads and the Divisional Road Board of this division, relative to opening the communication over the Zuurberg, with this and other eastern districts, from Port Elizabeth and Uitenhage, I conceive it to be my duty to afford you all the information in my power, especially as I have reason to believe the subject of the Zuurberg road was under Your Honour's notice shortly previous to my departure from Graham's Town. I enclose, therefore, copies of two letters from the Central Board, dated 2nd April, 1846, and 11th December, 1846, and two replies thereto from this Divisional Board, dated 17th March, 1846, and 5th March, 1847, relative to the road in question.

The total amount of road rate levied and collected in this division, of which the Central Board has had the disposal, for the year ended on the 31st May, 1845, and no part of which has been applied exclusively to the main roads in this division, as contemplated and intended by the ordinance, is about £732 10s.

The same amount for the year ended on 30th May, 1846, but of which a

small portion only has yet been paid, is disposable by the Divisional Board for branch roads, who have handsomely come forward to assist the Central Board with £500 from this sum, in addition to the £732 10s,—thus contributing from this division towards the Zuurberg road about £1232 10s.

It is estimated, as Your Honour will perceive from the enclosures, that the cost of the extent of the said road passing through this division may be reasonably fixed at about £500,—thus leaving a surplus to the Divisional Board of about £230.

While upon the subject of roads, and without my suggestion being taken as interfering with either the Central or Divisional Boards, I would beg, as Civil Commissioner, to state for Your Honour's information, that it would be highly desirable, as soon as it can be undertaken, to procure the survey of a new line of road between this place and Graham's Town. The distance of the present line is about 85 miles, and a line more direct, easier, and shorter, by about 15 or 20 miles, could without difficulty be obtained, and the balance of £230 might, if the Divisional Board approved of it, be appropriated to the formation of the half of the line of road falling within the Somerset division.

I believe there is a question pending, whether the road to Graham's Town should be considered as a main, or a branch road. I incline to consider it as the former, in consequence of the road to Graaff-Reinet and Colesberg being a continuation of the Graham's Town road to Somerset; but of course, if undertaken, it will be immaterial, as the cost must be defrayed from rates levied within divisions in which it is situated.

The rate for the year ended on 31st May, 1847, is to be collected for the Central Board.

I have, &c.,

H. HUDSON, junr., Civil Commissioner.

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Somerset, 17th March, 1846.

The Secretary to the Central Board, Cape Town.

SIR,—I am directed by the Board of Commissioners for Public Roads of this division, to request that you will be pleased to move the Central Road Board to cause a survey to be made, with the least possible delay, of the intended line of main road, from the Uitenhage division, over the Zuurberg, and through this division, in order that this Board may be better guided in recommending, for the approval of His Excellency the Governor, which shall be the branch roads of this division. I am further directed by the Board of this division, to convey to the Central Board an expression of its willingness to co-operate with the latter Board, in every way practicable, in forming the main road over the Zuurberg, and also to state, that even if it were necessary to devote the greater portion of the rates to be levied by the Divisional Board of this division, during the present year, that Board would feel no hesitation in applying the amount towards that purpose, which is one of paramount importance to the divisions of Somerset, Graaff-Reinet, Cradock, and Colesberg.

I have, &c.,

CHAS. HAW, Secretary.

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Office of the Central Board of Commissioners of Public Roads,  
Cape Town, 2nd April, 1846.

The Secretary to the Board of Public Roads  
for the Division of Somerset.

SIR,—It being the opinion of the Central Board of Commissioners of Public Roads that the opening of a pass through the Zuurberg mountain range is a work of greater importance and more beneficial to the general interests of the divisions



of Colcsberg, Graaff-Reinet, Cradock, and Somerset, than any other which they could perform for those divisions, I am directed by the Central Board to acquaint you, for the information of the Divisional Board of Somerset, that the Central Board purpose, so soon as the new road over Cradock's mountain is finished, to employ the two gangs of convicts now at work there, in opening a road through the Zuurberg; but as the execution of that work will involve a considerable expense, the Central Board are not in a position to undertake it without the co-operation of the Divisional Boards; and I am accordingly instructed to request that the Divisional Board of Somerset will be good enough to inform the Central Board, whether, in the event of the Central Board undertaking and completing the work in question, the Divisional Board of Somerset would be content to consider the expenditure upon it, of the rates the Central Board may levy in that division, equivalent to and in lieu of an expenditure being made by them upon the main roads through that division, and also whether the Divisional Board would feel disposed further to contribute towards the same work any portion of the rates they are empowered to levy, and, if so, to what extent.

A similar communication has been addressed to the other three Divisional Boards, and the Divisional Board of Uitenhage has also been applied to for assistance from the levies which that Board are empowered to make, as it is necessary that the Central Board should ascertain what aid they may calculate upon, before undertaking so expensive a work.

Until a survey and estimate have been made, it is not in the power of the Central Board to state what amount will be required for the work, but it is believed that to do it effectually and permanently, it will be a very large sum.

I have, &c.,

W. TENNANT, Secretary.

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Office of the Central Board of Commissioners of Public Roads,  
Cape Town, 11th December, 1846.

The Secretary to the Board of Public Roads  
for the Division of Somerset.

SIR,—I am directed by the Central Board of Commissioners of Public Roads to acquaint you, for the information of the Divisional Board of Somerset, that the Central Board will, about the middle of next year, have a body of 300 convicts at their disposal, and they are anxious, therefore, to ascertain from the Divisional Board, what line of main road they would consider best for the division of Somerset, which would afford work suited for convict gangs, bearing in mind, of course, the general interests of the colony, as well as the advantages to be derived by the division.

The Central Board are at present of opinion that the opening of the Zuurberg mountain pass would be the most important work which they could undertake for the eastern divisions of the colony, as the construction of a road through those mountains would afford greater facility of communication, and for the disposal of produce, than any other.

I am therefore instructed to request, that the Divisional Board of Somerset will favour the Central Board with their opinion, and with every information which they may be able to afford upon the subject.

I have, &c.,

W. TENNANT, Secretary.

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Somerset, 5th March, 1847.

The Secretary to the Central Board, Cape Town.

SIR,—Having this day submitted your two letters, dated respectively, the 2d April and 11th December, 1846, to a meeting of the Board of Commissioners for Public Roads for this division, I am directed by that Board to acquaint you, for

the information of the Central Road Board, that they concur in the opinion expressed by the Central Board, that the opening of the Zuurberg mountain pass would be the most important work which could be undertaken for the benefit of the eastern division of this colony; and that, in order to render every assistance towards the completion of that work, the Divisional Board here are willing to give up all claim which they may have in the expenditure, upon the main roads of this division, of the rates already collected in behalf of the Central Board, provided the whole amount be expended in the opening of the pass in question,—and further, that, in addition thereto they are willing to contribute from the amount of the rates which they are empowered to levy, and which are already due, but not yet collected, in consequence of the present Kafir war, the sum of £500, which latter sum alone is, in the opinion of this Board, sufficient to open the pass from this side to the boundary line of the Uitenhage division. Moreover, I am directed to add, that as the work proceeds, the Divisional Board here, will be better able to judge of their means for contributing a further sum, and should such be necessary, and they able to grant a further contribution, great pleasure will be felt in so doing.

With respect to the latter paragraph of your letter of the 11th December last, I have been directed to state that, in the absence of any survey (the necessity of which was so strongly brought to the notice of the Central Board in my letter of the 17th March, 1846), it is the opinion of the Divisional Board, that the road, in rising the mountain from this side, should pass the place of the Widow Matthys, descending on the other side near the place called “Schipper’s Slag Boom,” that line being, in the opinion of this Board, the most direct between Port Elizabeth and Colesberg, and at the same time equally suitable to the general interests of this division; but before this important work be commenced, the Board for this division most urgently recommend the Central Board to cause a proper survey to be made of the proposed line, in order that, should the one now recommended not prove suitable, another may be fixed upon. Further, I have been instructed to request, that in sending the body of 300 convicts referred to in your letter last mentioned, to work at the pass in question, no Fingoes, Kafirs, or native foreigners may be forwarded, as the mountains over which the pass must be carried form one continuous range, densely wooded, to near the borders of Kafirland; and it is feared that in the present state of affairs with the border tribes, ill results might ensue, from an endeavour by them to rescue their countrymen. I regret that the circumstances of the country should have prevented an earlier reply.

I have, &c.,

CHAS. HAW, Secretary.

Graham’s Town, 15th June, 1847.

His Honour Sir H. E. F. YOUNG, Kt., Lieut.-Governor, &c.

SIR,—I have the honour to acknowledge the receipt of Your Honour’s letter containing one from the Civil Commissioner and Resident Magistrate of Somerset, on the subject of road rates, &c.

Your Honour’s remarks are evidently grounded on the assumption that, as Lieut.-Governor of the Eastern Provinces, you have the power to propose measures, and act independently of the ordinances and regulations in force throughout the colony.

I apprehend that such is not the case. I believe that the law places the disposal of all road rates, as well as the consideration of all such matters, in the hands of the Central Board of Commissioners at Cape Town, and (as stated to Your Honour in my letter of the 4th of last month) this arrangement has been made and allowed by the Queen so recently, that I should hesitate to set it aside without previous reference to England.

I beg Your Honour will not imagine that I have any personal feeling in supporting the present system. My object is to further the prosperity of all parts of the colony, but I must look at things as I have found them on assuming charge of the Government; and even supposing I have legally the power to do so, I should hesitate to act in this, or any other matter, in which delay can hardly be attended with any very serious or dangerous consequence, in direct opposition to the opinion and recommendation of the Executive Council, which body is not appointed by Her Majesty solely for the management of the western districts, but is intended to exercise a like degree of watchfulness over the interests of the eastern portion of the colony.

I have, &c.,

HENRY POTTINGER.

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MINUTE.

Graham's Town, June 19, 1847.

The letter which I herewith forward (and to which my reply is appended) has been addressed to me by the Lieutenant-Governor. I believe the view I have taken in my answer to be correct, but as I have found it necessary to quote the authority of the Hon'ble the Executive Council, I deem it proper to lay this correspondence before the members for their opinions.

HENRY POTTINGER.

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MINUTE.

Colonial Office, Cape Town, 28th June, 1847.

To the Right Honourable the Governor, &c. &c. &c.

In attention to the instructions of the Right Honourable the Governor, we, members of the Executive Council, have perused the letter with its enclosures from His Honour the Lieutenant-Governor, addressed to His Excellency, dated Graham's Town, 14th June, 1847 (returned herewith), and we are of opinion that the view contained in His Excellency's reply of the 15th June is quite correct, and entirely in unison with the intentions and instruction of Her Majesty's Government, and in accordance with the local laws which regulate the Road and Convict administrations.

In offering our opinion upon the correspondence, as required by His Excellency's minute, we would respectfully submit, that the duration of the Central Road Board has not yet been long enough to disprove the soundness of the principles it was formed to work out; nor have its operations been of sufficient extent to justify the opinion that the objects of the Colonial Legislature, in investing it with novel and unusual powers, will not be accomplished. It should be borne in mind, that before the formation of the Central Board in November, 1843, no attempt had ever been made in this colony to construct roads upon any general or uniform system. There had been no unity of design; each division acted and worked independently; and the dissatisfaction with the results was universal and loud.

To obviate these, and several other acknowledged evils, arising out of an absence of all system, as well as an absence of tangible responsibility, the Central Board and its functions were defined and created by law, and a duration of about seven or eight years was given it, that period being deemed sufficient to test the efficiency of the centralization system.

Without going into the details of the measures to be performed by the Central Board, it will, we believe, be sufficient here to state, that by entrusting to that Board the formation and repair of all the main roads of the colony, and by placing at its disposal a certain amount of the colonial revenue, of road rates,

and the labour of the convicts sentenced by the superior colonial courts, it was not contemplated that an undue proportion of those means should be appropriated to one district in preference to another; nor upon the western more than upon the eastern division of the colony.

The Legislature and the Government evidently intended the Board to take a comprehensive view of the requirements, in this respect, of the colony as a whole, for the advancement of agriculture, commerce, and communication, with all its attendant benefits.

It was obviously impossible for every needful work to be undertaken at once, or at the same time.

The greatest obstructions to the greatest number of people were first to be removed, by which each succeeding work would become of less magnitude and of less general interest than its predecessor. The opening of mountain passes, bridging rivers and mountain torrents, making hard roads over sandy deserts, were named as the first and paramount duty of the Central Board,—and to the performance of it, the members have steadily applied their resources.

In one respect they have, however, been—and, from the nature of the case, always must be—somewhat restricted in their judgment. We allude to the application of the convict labour. The number of convicts in this colony is not, and is not likely to be, larger than sufficient for two well constructed working parties, and as the men have to be brought from all parts of the colony to the convict stations, there must always be one conveniently placed to receive the convicts of the western, and the other, as conveniently, those of the eastern districts. Up to the present time, one half of the convicts have been exclusively employed on roads to benefit the western districts; while the other half, although actually employed in a western district (Cradock's pass), were so near its confines and the boundary of an adjoining eastern district, as to justify us in stating, from the great use the road will be to the eastern, that the benefit will be, at least, equal to both.

By the public announcement made in February last by the Central Board, it appears that the next great work, to be shortly undertaken (the Zuurberg passes) by one half of the convict labour entrusted to them, is situated in the eastern districts; and from what we learn from the Surveyor-General, the magnitude and extent of that work, and others in connexion with it, before it could be pronounced complete, will absorb for a considerable time a large amount of convict labour. In regard to the application of convict labour, there is, in our opinion, sufficient reason for believing that the Board will perform that portion of their trust faithfully, impartially, and beneficially for the general good of the colony.

We would observe, in respect of the pecuniary expenditure in the eastern districts, that some misconception appears to have obtained.

We have procured from the secretary of the Central Board, the accompanying statement of the receipts and disbursements of that Board, for the districts forming the eastern province of the colony; and from it, it will be seen that the expenditure has exceeded the receipts by the sum of £284, irrespective, as we are informed, of a further sum of about £600 for road surveys in the eastern province, recently made for the Board by a surveyor exclusively employed on that business.

Although, in the aggregate, the expenditure for the eastern districts has exceeded the receipts, it will be seen by that statement, that, with the exception of Albany, the receipts exceed, in every other district, the expenditure; but we consider this as immaterial at the present moment, because we perceive from the public announcements of the intentions of the Central Board, in regard to the roads in those divisions, that they shortly contemplate expending sums in them for road purposes of much larger amount than the rates paid and payable by them respectively will amount to. By law, the Board are bound to expend in each division, or district, a sum equal in amount to the rates received from that division, that is to say,—the rates levied in any particular division are to be applied to the construction of the main roads within that division; but as it would

be unreasonable to suppose that the Legislature intended the rates, as collected from year to year, were to be expended by the Board, from year to year, in each particular division, we conceive that the intentions of the Council will be fully effected, if, within the period of the duration of the road ordinance, the Board expend in each division, on the main roads, a sum equal to the aggregate rates received by them from each division; and we see no reason for doubting the accomplishment, in due time, of that portion of the law.

The remarks of the Civil Commissioner of Somerset, respecting the expense of making the road through the Zuurberg passes, appear not to have been well considered.

Although it is stated that the line of road is not fixed, and that a survey is required to determine it—the cost of that part of it which would run through the division of Somerset is estimated at £500.

How that conclusion has been arrived at is not shown, nor do we understand how it can possibly be ascertained in the absence of all the quantities indispensable for the calculation.

We have been informed by the Surveyor-General that he has taken the necessary steps towards ascertaining the most eligible line of road to be constructed over the Zuurbergen, and that all requisite arrangements will be shortly in progress for the establishment of a large convict party (or two, as may seem fittest) there, so soon as the new Cradock's pass (now nearly ready to be thrown open) shall have been completed.

JOHN MONTAGU.  
HARRY RIVERS.  
W. PORTER.  
W. FIELD.

STATEMENTS of ROAD RATES and TOLL MONEYS received and expended by the Central Board in the Eastern Divisions of the Colony, from November, 1843 to 28th June, 1847.

ALBANY.

*Received.*

Road rates on the first levy, due 15th February, 1845, .. .. .	£1665	8	1½
Toll at Howison's Poort, .. .. .	193	5	0

*Expended.*

Appraisement of property, .. .. .	£ 240	0	0
Remuneration to field-cornets for serving notices of valuation, &c. .. .. .	47	0	0
Road through Howison's Poort, .. .. .	5291	12	7½
Repairs of main road in the division, .. .. .	50	12	9
	5629	5	4½

UITENHAGE.

*Received.*

Road rates on first levy, due 26th March, 1845, and second levy, due 31st March, 1847, .. .. .	£1655	2	2½
Tolls at Port Elizabeth, .. .. .	476	18	11

£2132 1 1½

*Expended.*

Appraisement of property, .. .. .	£ 129	19	11
Remuneration to field-cornets, .. .. .	49	16	0
Repairs of main road, .. .. .	665	11	11½
Advance to Divisional Board, .. .. .	100	0	0

945 7 10½

£1186 13 2½

## SOMERSET.

*Received.*

Road rates on first levy, due 31st May, 1845, .. .. £726 14 1

*Expended.*

Appraisalment of Property, .. ..	£ 130 0 0	
Field-cornets' remuneration, .. ..	25 0 0	
	<hr/>	155 0 0
		<hr/> £571 14 1

## CRADOCK.

*Received.*

Road Rates on first levy, due 30th April, 1845, .. .. £580 4 4

*Expended.*

Appraisalment of property, .. ..	£130 0 0	
Field-cornets' remuneration, .. ..	25 0 0	
	<hr/>	155 0 0
		<hr/> £425 4 4

## COLESBERG.

*Received.*

Road rates on first levy, due 3rd February, 1845, .. .. £596 17 2

*Expended.*

Appraisalment of property, .. ..	£175 0 0	
Remuneration to field-cornets, .. ..	25 14 7½	
	<hr/>	200 14 7½
		<hr/> £396 2 6½

## GRAAFF-REINET.

*Received.*

Road rates on first levy, due 8th April, 1845, .. .. £1101 13 11

*Expended.*

Appraisalment of property, .. ..	£150 0 0	
Remuneration to field-cornets, .. ..	45 0 0	
	<hr/>	195 0 0
		<hr/> £906 13 11

## ABSTRACT.

	<i>Received.</i>	<i>Expended.</i>
Albany, .. ..	£1858 13 1½	£5629 5 4½
Uitenhage, .. ..	2132 1 1½	945 7 10½
Somerset, .. ..	726 14 1	155 0 0
Cradock, .. ..	580 4 4	155 0 0
Colesberg, .. ..	596 17 2	200 14 7½
Graaff-Reinet, .. ..	1101 13 11	195 0 0
	<hr/> £6996 3 8½	<hr/> £7280 7 10½
		<hr/> 6996 3 8½

Excess of Expenditure over the amount received from the Eastern Divisions .. ..

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£284 4 2

W. TENNANT, Secretary.

Office of the Central Board of Commissioners of Public Roads,  
Cape Town, 28th June, 1847.



Graham's Town, 25th June, 1847.

I have sent, for the information and reply of the Honourable the Executive Council, a letter, dated the 11th instant, to my address, from His Honour the Lieutenant-Governor.

An answer to this letter is to be found in the Minute of the Executive Council of the 15th of May, and my Memorandum "respecting Roads and Convicts," but it will be seen by the rejoinder from the Lieutenant-Governor, under date the 14th of June, that he does not consider that answer satisfactory; and unless the honourable the members shall see in His Honour's remarks, grounds for modifying their opinions, I think the whole question had better at once be referred for the decision of the Secretary of State.

No good object can be obtained from a continuance of a correspondence of this sort, and I do not feel myself competent to decide between the conflicting opinions.

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 11th June, 1847.

His Excellency the Right Hon'ble Sir H. POTTINGER, Bart.,  
Governor, &c., &c., &c.

SIR,—I have the honour to forward to Your Excellency a copy of a letter, dated the 3rd instant, from the Honourable the Secretary to Government to the Civil Commissioner of Albany, directing him to explain why the convict E. T. Taylor was not sent to Cradock's Kloof, in the western district, as had been directed by his letter of the 15th April last; and I beg to enclose a copy of Your Excellency's authority to the Civil Commissioner for detaining the prisoner in question.

With great respect and deference, I have the honour to suggest that the Honourable the Secretary be instructed to abstain in future from corresponding directly with the subordinate officers in the eastern district, and to observe the more regular as well as convenient course of conveying to me, and not to them, the signification of Your Excellency's commands.

I also feel myself to be under the necessity, on public grounds, of respectfully drawing Your Excellency's attention to the following paragraph of an antecedent letter from the Honourable the Secretary to Government to the Civil Commissioner, under date 27th ultimo, viz. :—"I beg further to request that you will explain to Sir Henry Young that the law authorises the Governor to imprison and work the convicts sentenced by the circuit courts at such place as he (the Governor) may appoint, and that as His Excellency has appointed for the men in question the Cradock's Kloof road stations, they are not now legally held or worked; and if anything serious should occur to any men attempting to escape, or from any other cause, it might be very awkward."

I have the honour to submit that the accurate and legal interpretation of the word "governor," wherever it occurs in the laws of the colony, must be taken to mean the officer for the time being administering the government; that the Lieutenant-Governor is the sole functionary appointed to that duty in the eastern districts; and that in the aforesaid capacity, the Royal Letters Patent confer on him the executive authority of the Governor within those districts; and hence the Lieutenant-Governor has the power of assigning stations of hard labour, in the eastern district, for convicts, in the same way as that power may be exercised by the Governor in the western district, and in and over the whole colony, provided the Governor's authority in the eastern district be previously revived in the terms of the Royal Letters Patent.

I have to request that, in the event of the Attorney-General being of the foregoing opinion, the same may be intimated to the Honourable the Secretary to Government; and that if the Attorney-General should be of a contrary opinion, Your Excellency may be pleased to consider, with the advice of the Council, whether it be not fitting, by a legislative enactment, to establish the requisite correspondence between the laws of the colony and the provisions of the Letters Patent, which the contrary opinion of the Attorney-General, if given as last adverted to, would then imply to be at present wanting.

Entertaining the opinion that convict discipline, and the maintenance of convicts in the manner contemplated by the annual estimate, could be as efficiently secured in the eastern as in the western districts, I have recently incurred, with great reluctance, the responsibility of sanctioning the great expense and delay of the transfer of convicts from hence to the western districts.

Four convicts recently sent from Somerset, cost £25.

Twenty-seven from Graaff-Reinet, £74; and from Graham's Town about £44 for twenty-three convicts.

I enclose an extract of a communication from the Civil Commissioner of Graaff-Reinet, to be allowed to retain one convict in his division, because of the enormous difference between the cost of his solitary conveyance to Cradock's Kloof, and the value of his services. Nevertheless, unless the view taken of the existing law by the Honourable the Secretary to Government be incorrect, serious responsibility will attach to me for the detention of the convict in question in the eastern districts, where he was tried and sentenced.

I have, &c.,

II. E. F. YOUNG, Lieutenant-Governor.

Colonial Office, Cape Town, 3rd June, 1847.

The Civil Commissioner, Albany.

SIR,—I have to acknowledge your letter of the 29th ultimo, enclosing a list of the convicts sentenced at the last circuit court at Graham's Town, and sent by you to the Cradock's Kloof stations, and from which I perceive that the convict 1112, Edward Thomas Taylor, has not been forwarded. I am directed by the Right Honourable the Governor to request you will explain why that convict was not forwarded, or by what authority he was detained at Graham's Town, as you were directed by my letter of the 15th April last to forward *all* prisoners who might be sentenced at the circuit court to upwards of three months' imprisonment.

I have, &c.,

JOHN MONTAGU.

Camp, Fort Peddie, 12th April, 1847.

H. HUDSON, Esq., Civil Commissioner,  
Division of Albany.

MY DEAR SIR,—I have not time to address you officially. I write this private note to authorise you (until you shall receive further instructions from me) to suspend that part of the sentence on Edward Thomas Taylor, apothecary, which adjudges him to be put to hard labour.

I remain, &c.,

HENRY POTTINGER.



*Extract Letter from Civil Commissioner, Graaff-Reinet, dated 1st June, 1847.*

“ With respect to Van Wyk, the expense of forwarding him alone from this to the Cradock's Kloof would be so high, as justly to expose me to Your Honour's censure if I had incurred it, even though I have general instructions to forward to that convict station, all convicts whose sentences exceed three months' imprisonment with hard labour.”

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MINUTE.

Colonial Office, Cape Town, 8th July, 1847.

The Right Honourable the Governor.

In obedience to the memorandum of the Right Honourable the Governor, under date the 25th ultimo, we have read and attentively considered the letter addressed to His Excellency on the 11th ultimo, by His Honour Sir Henry Young.

His Honour's letter relates to the existing convict system, and raises two separate questions, one, regarding the true construction of the law as it now exists, and another, regarding an alteration in the existing law, should it be found to invest the Governor of the colony with the regulation of all convict discipline throughout the settlement, instead of investing the Lieutenant-Governor with the regulation of convict discipline in the eastern districts.

Conceiving that, upon the first question (that which relates to the construction of the existing law), His Excellency would probably desire to have the Attorney-General's opinion, that officer has been called upon for a report, and his opinion will be found herewith.

Assuming the Attorney-General's view of the existing law to be correct, His Honour the Lieutenant-Governor would not seem to be possessed, at present, of the power with which he deems it expedient, for the public service, that he should be legally invested; and it will, therefore, devolve upon His Excellency to determine whether the change in the present law, conditionally requested by His Honour, should be proposed to the Legislative Council.

Upon this point we have little to add to our Minute of the 15th of May last, being unable to discern in His Honour's letter of the 11th of June, any sufficient reason for modifying the opinions in regard to the convict system, which were therein submitted to His Excellency, to be adopted or rejected, as he might see fit.

We trust to stand acquitted of any desire, or intention, to withhold from the eastern districts, as part and parcel of the colony, any right or privilege to which they are entitled. It is both our duty, and our desire, to advise His Excellency in a spirit of equal care and concern for the eastern, as much as for the western districts. And in humbly expressing our opinion that the existing convict system ought not, in the present stage of its progress, to be organically changed, we conceive that we are asserting a principle, in the maintenance of which, all sections of the colony are alike concerned.

When we speak of the existing convict system, we would be understood as referring to their *discipline* and *management*, and not at all, as referring to the roads or passes (whether in the eastern province or the western) to which their labour should be first applied.

The principles upon which the Central Road Board have hitherto proceeded in regard to public works, and the placing of convict labour, have been already stated to His Excellency, and the plan upon which the Board has acted appears to us to have been just and comprehensive.

But the existing distribution of convict labour may possibly be faulty, without in the least affecting the soundness of the existing system of convict discipline, the preservation of which, in its integrity, we cannot but regard as an object of primary importance.

We humbly conceive that, no matter where the convicts may be located, it is expedient that their management should be committed directly to one central authority, and when we say that, in our opinion, that one central authority should be the Governor rather than the Lieutenant-Governor, we are influenced merely by considerations arising out of comparative official dignity, and obvious departmental convenience, of the sufficiency of which there can be no dispute.

From personal knowledge, and public notoriety, we feel justified in saying that the mode in which the convict stations are now regulated merits much commendation, and we are impressed with the notion that its advantages are directly, if not indissolubly, connected with the *oneness* of the convict administration.

Without entering upon any general reasoning on the subject, we venture to assume that punishment by way of imprisonment with hard labour may be justly viewed as being efficacious or otherwise, in proportion as it is made conducive to the following three great, though not equally important, ends:

1. To make the results of the labour of the convicts most useful to the public
2. To make their punishment most influential to deter others.
3. To make their punishment most reformatory to themselves.

In regard to the first of the ends in question, it might be anticipated *a priori*, and is proved by our colonial experience, that to congregate our comparatively few convicts, enables us to turn their labour to far more advantage than could have been obtained by smaller parties.

In regard to the second of the ends in question, it is, we think, obvious, that to relegate all convicts from every district, to one or two spots, rather than to a greater number, almost necessarily involves the removal of the vast majority of them to the greatest distance from their former companions, who, knowing by report that they are worked at a distance, and in seclusion, in organized bands, are far more impressed by their unseen punishment, than if the convicts could be visited with comparative facility, and the nature of their life and occupation more easily scanned.

In regard to the third, and, as we conceive, by far the most important of the three great ends enumerated, it appears to us that the advantages of the central plan of convict management are evident. It is the only security for symmetry of system. It enables the Government to supply the convicts, collected at not more than two stations, with schoolmasters, ministers, and other means of improvement, which could not be afforded to small divided parties. The beneficial effects which have been produced by the civilising agencies referred to, operating upon the principle of emulation, kindled by the invariable action upon each other of men in numbers, might be detailed at length, but are omitted for the sake of brevity.

Without entering into these details, we deem it right to submit to His Excellency the following extract from Mr. Gladstone's despatch No. 70, under date the 26th April last, in order to show the opinion which Her Majesty's Government appears to entertain of the system which it is proposed to alter:—"The results of that system, as it regards the welfare both of the colony and of the convicts themselves, appear to me to be highly important, and as calculated to throw much useful light on the general question of convict management."

Of a system, which has only been three and one-half years in operation, which during that time has worked well, and done much good, and in which unity of design and administration appears to us to occupy a prominent place, we are, we confess, averse to speculate upon the nature and amount of those changes which might possibly be made without seriously impairing its efficiency. We, therefore, cannot advise His Excellency to propose to the Legislature such a change as that which His Honour recommends.

But while we thus submit our opinion for His Excellency's decision, we desire to add that, in forming it, we have taken the present constitution of the Colonial Government to be for the present settled.

Should it please Her Majesty to create a wholly distinct and separate Government in the eastern districts, with a distinct legislature, a distinct administration

of justice, a distinct revenue, a distinct post-office administration, and other similar or subordinate distinct establishments, we should not, of course, for one moment, deny that the convict system would, in that case, sink under the advantages of following out the new principle of government. So long, however, as no such change of the Government in the Eastern Province as that which we have supposed is made, we submit to His Excellency's better judgment, that it would be hazardous, without the previous sanction of Her Majesty, to act in regard to the convict system, as if a wholly separate and distinct executive Government now existed in the eastern districts; upon which principle, in the absence of any suggestion of defect in the existing system (much less of any defect which the projected change would remedy), the recommendation of His Honour the Lieutenant-Governor must, as it appears to us, be understood to rest.

JOHN MONTAGU.  
HARRY RIVERS.  
W. PORTER.  
W. FIELD.

### MEMORANDUM.

Colonial Office, Cape Town, 2nd July, 1847.

The Right Honourable the Governor.

In reference to the Lieutenant-Governor's letter of the 11th ultimo, addressed to the Right Honourable the Governor, I have the honour to submit the following remarks, which have immediate reference to myself, or to the department under my charge.

1st. As the convict E. T. Taylor was included in the instruction I sent to Mr. Hudson on the 15th April, for removal with other convicts to Cradock's Kloof, and finding, on the 2nd June last, that all the men ordered for removal had been forwarded to the Cradock's Kloof, excepting Taylor, —I requested, by my letter of the 3rd June, Mr. Hudson's explanation, why he had not been removed as directed. On the 12th of June, he transmitted to me the copy of His Excellency's letter to himself of the 12th of April, and although I saw by that letter, that the Governor authorised Mr. Hudson to "suspend" that part of the sentence on Taylor, "which adjudges him to be put to hard labour," but that it contained no authority for his detention in the Graham's Town gaol, I took no further notice of that circumstance, as I conceived it might have been His Excellency's intention to keep him there, presuming that His Excellency was probably not aware that Taylor could have been confined at Cradock's Kloof without being put to hard labour, as has been the case with other convicts who have been sentenced to imprisonment without hard labour. If upon receipt of my letter of the 15th April, or at any time subsequently, Mr. Hudson had informed me that he had received His Excellency's commands in a letter of three days' prior date to mine of the 15th April, respecting Taylor, there would have been no occasion for the enquiry I made.

2nd. I am quite aware that the subordinate officers in the eastern districts should be corresponded with by me in the Governor's name, through His Honour the Lieutenant-Governor, and I have only departed from that course to act, as I conceived, in accordance with the wishes of His Honour, communicated to me by himself. Shortly after Sir Henry Young assumed his Government, he transmitted to me some letters, &c., from some of his subordinate officers, for the decision of the Governor, "as they had reference to periods antecedent to his entering on office;" at another time he "declined interfering" upon some papers received by him, and transmitted by him to me, "the subjects being antecedent to his taking office." Under the impression that he wished me to dispose of the papers in the Governor's name, which related to subjects antecedent to his arrival, I have written some few letters to the subordinates of his Government direct, upon subjects so circumstanced, but not otherwise; and my letters to Mr.

Hudson, to which His Honour more particularly refers, belong to that class, the removal of the convicts from Graham's Town having been directed by the Governor, a fortnight before His Honour commenced his Government. Being now apprised of His Honour's wishes, I will take care in future, that all communications made from this office to the subordinates of his Government, shall be through His Honour himself.

3rd. I enclose, for His Excellency's perusal, copy of my letter of the 27th of May, to Mr. Hudson, in which he is requested to explain to Sir Henry Young, that the convicts were not legally held or worked at Graham's Town. The first part of that letter shows the grounds upon which I deemed it necessary to request Mr. Hudson to make that explanation to His Honour, conceiving it probable that His Honour having been but a few weeks in his Government, had not had that law brought under his consideration.

4th. With reference to His Honour's remarks upon the expense of removing the convicts from Somerset, Graaff-Reinet, and Graham's Town, I would observe, that the very great advance in the price of forage, transport, &c., in the eastern districts, arising out of the Kafir war, has greatly augmented this charge beyond the average in peaceful times, and that the expense of the removal from Somerset, which is very high, is owing to the circumstance, that they could not be sent on this occasion, as has usually been the case, from Somerset to Graham's Town, and from thence to Cradock's Kloof with the Graham's Town convicts, but were obliged to be sent direct from Somerset, at a considerable increase of expense. It is the first time it has occurred, and is not likely to occur again.

5th. With regard to the case of Van Wyk, referred to by His Honour, there appears to be some misapprehension. There has never been given to the Civil Commissioner of Graaff-Reinet, as he has stated in his letter of the 1st of June, 1847, "general instructions to forward to Cradock's Kloof stations all convicts whose sentences exceed three months' imprisonment with hard labour." On the 22nd of April, the Civil Commissioner of Graaff-Reinet received a special instruction from me to remove the convicts then in the gaol, whose sentences exceeded three months with hard labour;—but that instruction was not of the general nature he implies, nor did it apply to any other convicts than those who were then confined in the gaol at Graaff-Reinet.

Van Wyk did not come under the class for removal, as he was sentenced to death,—and all the convicts ordered to be removed to Cradock's Kloof had left Graaff-Reinet before it was notified in a demi-official form to Mr. Ryneveld, that the Governor would commute Van Wyk's sentence to two years' imprisonment with hard labour.

After sentence of death has been passed on a convict, the Sheriff has the legal custody of him, until he is either executed or his sentence is commuted by the Judge's warrant, addressed to the Sheriff, issued upon the Governor's authority; and which document enables the Sheriff to hand the convict over to the Civil Commissioner,—prior to which the man cannot be removed, nor in any way interfered with, by the Civil Commissioner.

The formal authority which the law requires the Governor to issue to the Judge, did not arrive at this office until the 27th ultimo, and the Sheriff's order upon the Judge's warrant to transfer Van Wyk to the Civil Commissioner will not leave Cape Town till Monday, the 5th instant. From this statement it will be seen that Mr. Ryneveld had no authority which would have justified him in incurring the expense of Van Wyk's separate removal to Cradock's Kloof, and that he would have acted illegally if he had removed him before he had been informed what place the Governor had appointed for Van Wyk to be imprisoned and worked at. No such appointment has yet been made, and it will not be made until after the next circuit, when Van Wyk will be removed, with any other convicts there may then be in the Graaff-Reinet gaol, to such place as shall be appointed.

It occasionally happens (but very rarely) from sickness, or from a cause similar to Van Wyk's, that a convict remains in a district gaol after the removal of the body of convicts at that gaol to the road stations.

In such cases, such convicts are detained till after the ensuing circuit, but are never removed separately, as might be inferred from Mr. Ryneveld's letter of the first of June.

To these remarks I will merely add, as His Honour refers to the serious responsibility which attaches to himself by the detention of Van Wyk at Graaff-Reinet, that it will be seen there is no responsibility in this instance, and that that responsibility cannot commence until the Governor has appointed the place for the imprisonment, with hard labour, of Van Wyk.

JOHN MONTAGU,

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Colonial Office, Cape Town, 27th May, 1847.

The Civil Commissioner, Albany.

SIR,—I have received your letter of the 20th instant, explaining the reason why the convicts you had been directed to send to Cradock's Kloof had not been forwarded. I am directed by the Right Honourable the Governor to express to you His Excellency's hope that the convicts will have been forwarded to Cradock's Kloof before you receive this; but should it be otherwise, I beg you will confer with His Honour the Lieutenant-Governor, and acquaint him with His Excellency's hope, that these men may be forwarded as early as possible to their legal destination, no provision having been made in the estimate for the maintenance of convicts in gaols.

I beg further to request you will explain to Sir Henry Young that the law authorises the Governor to imprison and work the convicts sentenced at the circuit courts, at such places as His Excellency may appoint; and that, as His Excellency has appointed for the men in question the Cradock's Kloof convict stations, they are not now legally held or worked; and if anything serious should occur to any man attempting to escape, or from any other cause, it might be very awkward.

I have, &c.,

JOHN MONTAGU.

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Attorney General's Office, Cape Town, 7th July, 1847.

I have read with attention the letters addressed by His Honour Sir Henry Young to the Right Honourable the Governor, bearing date, respectively, the 30th of April and the 11th of June last, and have considered the legal questions which are therein mooted.

Those questions may, I think, be regarded as distinct from each other, and as two in number.

The first question is—Whether, as often as the word "Governor" occurs in any of the laws of the colony which are of general operation throughout the settlement, that word is to be understood as referring, in regard to the eastern districts, to the Lieutenant-Governor, and not to the Governor of the colony?

The second question is—Whether, in case such a construction be inapplicable to *all* the laws of the colony, without exception or distinction, it is, notwithstanding, applicable to the Ordinance No. 10, of 1844, which provides that the Governor shall fix the place at which convicts sentenced to imprisonment with hard labour shall undergo their punishment?

With reference to the first question, I am humbly of opinion that no such universal rule of construction as that suggested can legally be laid down.

Ordinances of the Governor and Council are laws of the colony, and it appears to me that no power created by an ordinance passed since the issuing of the Letters Patent of the 19th February, 1836, and by that ordinance conferred upon the "Governor," could be exercised in the eastern districts by the Lieutenant-Governor. And in regard to the separate question, whether that power could,



in the eastern districts, be executed by the Governor of the colony, I am humbly of opinion that it could. The meaning to be given to laws and ordinances promulgated previously to the issuing of the Letters Patent of the 19th February, 1836, is another question; and capable, perhaps, of another answer; but it is, I think, a question which need not, at present, be discussed.

The grounds of the opinion which I have advanced are plain and simple. They are these. In construing any law, the thing to be looked to is the intention of the Legislature; the intention of the Legislature is to be collected from its words; its words are to be read in their ordinary sense, unless some sense different from their ordinary sense is fixed upon them by the Legislature itself, or by some superior authority; neither the Legislature itself nor any superior authority has fixed upon the word "Governor," when used in such an ordinance as that which I have supposed, any sense different from its ordinary sense. The word "Governor," in its ordinary sense, designates one person, and but one person, who is the Governor of the colony, and not the Lieutenant-Governor of the eastern districts.

His Honour Sir Henry Young will regard this chain of reasoning as unsound in an essential link. He conceives, I think, that a superior authority (namely, the Letters Patent of the 19th February, 1836) has fixed upon the word "Governor" a sense different from its ordinary sense, and authoritatively settled, that in every case in which it occurs in any ordinance relating to the entire colony, it is to have a distributive meaning, and to denote different persons in different places,—that is to say, in the western province the Governor of the colony, and in the eastern province the Lieutenant-Governor of the eastern districts.

I am, very respectfully, of a different opinion. I at once admit that it was competent for so high an instrument as the Letters Patent to have settled the meaning of the word "Governor" in the manner which His Honour Sir Henry Young supposes. If the Letters Patent have done so, all reference to what may have been intended by the local Legislature is idle. The higher instrument would control the lower, in spite of even the strongest opposition. But it appears to me that the Letters Patent have not controlled the local Legislature as to the bestowal of powers created by itself, nor imposed any sense upon the term "Governor" different from its ordinary sense, when used by the local Legislature in reference to such powers.

Upon a reference to the Letters Patent of the 19th February, 1836, it will be found that they do not say that the Lieutenant-Governor is henceforth to exercise in the eastern districts every power which, by virtue of any previous colonial law, Sir Benjamin D'Urban, as Governor, could have exercised in and over the settlement at large. Much less do they say that the term "Governor," whenever it occurs in any *future* colonial law, shall be deemed and taken to mean, so far as the eastern districts are concerned, the Lieutenant-Governor thereof. Nor, farther still, do the Letters Patent provide that the local Legislature (of which the constitution is, by the Letters Patent, declared to be untouched) should henceforth be incompetent, when creating executive powers or authorities, to vest the exercise of those powers and authorities, in regard to the eastern as well as the western districts, in the Governor of the colony. The Letters Patent merely say that in the eastern districts the Lieutenant-Governor thereof shall (subject to certain exceptions) possess all powers and authorities conferred upon Sir Benjamin D'Urban, as Governor, by one special instrument, *his commission*. Under these circumstances, I regard the Letters Patent as controlling the legislative power of the local Council, but not as furnishing any rule for the construction of its language. An ordinance purporting to prevent the Lieutenant-Governor from exercising in the eastern districts any power granted by his commission to Sir Benjamin D'Urban, and not reserved out of the Lieutenant-Governor's authority, would, I think, be void, for it would expressly contradict the Letters Patent. An ordinance purporting to authorise the Governor to exercise, in the eastern districts, any power conferred upon the Lieutenant-Governor by the Letters Patent would, I think, be void, for it would, impliedly, contradict

the Letters Patent, which contemplate sole and undivided, instead of separate and concurrent, functions. But powers distinct from any contained in his commission, may be conferred upon the Governor by the local Legislature. How far the local Legislature, in conferring powers created by it should regard the Letters Patent as a model, and invariably grant to the Lieutenant-Governor in the eastern districts the same authority which it grants to the Governor in the western, is not, I submit, the question now under discussion. Without offering any opinion upon this question, I would merely remark that, however much the Letters Patent should guide the Council in legislating, they cannot, as it strikes me, overrule the language of its legislation.

For the reasons given, I am humbly of opinion that the word "Governor," when used in laws made in the colony since the erection of the eastern districts into a distinct and separate government for certain purposes, so far from always meaning, in law, the Lieutenant-Governor, in reference to those districts, will never be held to mean that functionary, unless there be something in the context, or subject-matter, which proves that that functionary was intended.

This leads me to the second question started by His Honour Sir Henry Young, namely, whether the word "Governor," as it occurs in Ordinance No. 10 of 1844, should be taken to mean, in the eastern districts, the Lieutenant-Governor thereof?

And, upon this point, I am humbly of opinion that the ordinance in question is not susceptible of this construction.

The power conferred by this ordinance is distinct from any contained in Sir Benjamin D'Urban's commission, and, therefore, distinct from any contained in the Lieutenant-Governor's commission; and the ordinance itself is long subsequent to the erection of the Lieutenant-Governorship of the eastern districts. Were this ordinance older than the Letters Patent of the 19th February, 1836, there might be room to contend that the word "Governor," as used in it, having originally meant the chief executive authority, should be modified so as to conform to the subsequent division of that authority. But it appears to me that no such view can now be taken. With two authorities before the Council, differently designated, it uses the name of one authority only, and gives to him the power in question. The ordinance proposes to attain its object by means of a supposed sentence of court, couched in a certain form of words. Independently of the ordinance, such a sentence would, in my opinion, have had the effect of enabling the Governor, and him only, to fix the place of confinement of all colonial convicts indiscriminately. I conceive that a man sentenced to death, at such time and place as the Governor of the colony should appoint, could not, even in the eastern districts, be executed at a time and place appointed by any other functionary, but might be executed at a time and place appointed by the Governor. What would be true of a capital sentence, will be true of any other sentence. But even if the effect of the sentence, conceived as unconnected with the ordinance, were more doubtful than I think it is, the scope and general intent of Ordinance No. 10 of 1844, would seem to remove all question. That its scope and general intent were to vest the disposal of the convicts in one functionary, and but one, is clear, I think, as well from the language of the law itself, as from the nature and design of some other kindred ordinances.

Ordinance No. 10, 1844, is *in pari materia* with Ordinance No. 7 of the same year, for regulating the discipline and safe custody of convicts, which latter ordinance, again, is *in pari materia* with the 5th section of Ordinance No. 8, of 1843, which recites the intention of "the Governor of this colony" to commit to the Central Board of Public Roads the control and management of convict labour. Ordinances made *in pari materia* are to be taken together; and, applying this rule, I am of opinion that, unless changed by law, the power of convict control and management throughout the entire colony must be held to be in the Governor of the colony, and in none other.

W. PORTER.

14th July, 1847.

Papers relating to road rates, convict discipline, &c., received from Cape Town on the 13th of July, and now sent for the perusal and information of His Honour the Lieutenant-Governor, who is requested to return them to me, when he has quite done with them. I may here briefly state, that after perusing these papers, and giving the subject due reflection, I have resolved not to meddle with the existing system, unless by permission and instructions from the Secretary of State.

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 25th May, 1857.

His Excellency the Right Hon'ble Sir H. POTTINGER, Bart.,  
Governor, &c. &c. &c.

SIR,—I have the honour of representing to Your Excellency that various statements have been made to me of the very great public utility of a bridge over the Sunday's River; and having given the general subject of the very deplorable and neglected condition of the eastern districts, in regard to necessary public works, my best consideration, I beg to submit that this bridge, so universally desired by the inhabitants, could be constructed without any direct charge on the public revenues of the colony, and be proceeded with without delay, in either of the manners following; and these might be rendered applicable also to all similar, but previously approved, public works.

1st, That the Surveyor-General and Colonial Civil Engineer, or some competent person from that department, at present exclusively employed in the western districts, should be instructed forthwith to proceed to the spot, and after survey and report of a suitable site, to design the bridge, with specification of the work, and building, plan, and estimate of its cost.

2ndly, That in the event of the services of the Surveyor-General and Civil Engineer, and his department at Cape Town, not being either available for the above purpose, or not being capable of being spared from the usual sphere of that department's usefulness, that thirty or forty pounds sterling, or other greater or lesser sum which may be deemed necessary, be placed at my disposal, from the public treasury, by the Governor and Council, to award to the most approved design, specification, building plan, and estimate, that shall be received by me after public advertisement inviting their transmission.

3rdly, That an ordinance be passed, either specially limited to the Sunday's River bridge, or made applicable to all future public bridges, constructed by like means (with the previous sanction of the Governor and Council, made known by proclamation), authorising the raising on loan, a sum of money sufficient to defray the cost of the construction, bearing interest not exceeding six per cent. per annum; and that a tariff of tolls be enacted, to be levied on all persons, wagons, horses, and cattle, &c., using the bridge so proclaimed to be a public loan bridge; with prohibition and fine on the passing of the river within two miles of the bridge, except on payment of the like tolls as would be payable if the bridge had been crossed. The tolls to be fixed at a rate computed to be sufficient to pay the annual interest of the capital borrowed; and to yield, moreover, an amount not exceeding four per cent. per annum on the capital, to constitute a sinking fund for the gradual and final redemption of the amount borrowed. The ordinance should also contain power to the Governor, or Lieut.-Governor, to alter the rates of toll, by proclamation, from time to time, as it may be found necessary to increase or to diminish the tolls with reference to their sufficiency to pay the interest, and to form a fund for the liquidation of the loan. The exercise of the power to borrow money might also, by ordinance, be conditioned



to be exercised on the previous production of a certificate, to the satisfaction of the Governor or Lieut.-Governor, that the amount required would be lodged in one of the local banks (to the account of the civil Government for the construction of the particular public works designed to be executed), so soon as interest on the amount to be so lodged shall have been guaranteed in terms of the ordinance.

The public treasury would, under this plan, no doubt remain subject to the payment of the interest to the lenders of the money until the tolls became receivable, and proved sufficient to pay the interest. This expense would, however, be regulated, kept within proper bounds, or altogether obviated, by raising the money only as it was required, and by taking care that the rate of tolls was sufficient to indemnify the treasury for its advances, if any were made. Under such precautions, the risk of loss by the treasury is greatly reduced, and has been encountered in other colonies than in the eastern districts by the local legislatures, with the sanction of H. M. Government.

Indeed, it may reasonably be anticipated that any part, or even the whole, of the expense of the construction of public works, of recognised general utility, if unavoidably defrayed out of the common taxation of the colony, would not be objected to by the tax-payers, since, for such purposes, the taxes taken from them are so quickly and obviously repaid to them, in the advantages which are derived from such improvements to themselves personally, to their properties, and to the general traffic of the country.

As an illustration, however, of the facility with which public bridges might be constructed without resort to a drain on the public treasury, I may mention that when at Sunday's River, on my way to Graham's Town, I was informed that the proprietor of an inn recently erected on the bank of the river, would undertake, at his own cost, to throw a safe and commodious bridge over the river near his inn, which is immediately opposite the present ford of the river; provided moderate tolls were authorised to be collected by him, until repayment should be made of the outlay.

I sincerely hope that this spirited and enterprising man may be encouraged, and others incited to make similar offers, by the adoption of the kind of legislation which I have in this communication ventured to suggest to Your Excellency, in the full knowledge, that no one more than yourself is disposed to promote the internal improvements, of which this portion of the colony, both positively and comparatively, stands in such urgent need.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Camp at Fort Peddie, May 31, 1847.

His Honour Sir H. E. F. YOUNG, Kt.,  
Lieutenant-Governor, &c.

SIR,—I have the honour to acknowledge the receipt of Your Honour's letter of the 25th instant, proposing certain plans for giving effect to arrangements for the erection of a bridge over the Sunday's River, and for other similar useful and necessary public works in the eastern districts of the colony.

I most cordially concur in Your Honour's views as to the desirability and advantage of such works, but they obviously require the support and sanction of both the Executive and Legislative Councils, and I shall therefore transmit your letter and this reply, with a minute from myself, to be laid before those honourable bodies for their consideration and opinion.

Whatever plan may appear feasible to the Councils will have my full approbation, and I hope to receive an answer soon enough to be able to confer with Your Honour verbally, during the visit I am about to pay to Graham's Town on public business.

I have, &c.,

HENRY POTTINGER.

## MINUTE.

Camp at Fort Peddie, May 31, 1847.

I forward herewith an original letter (with my reply annexed) from His Honour the Lieutenant-Governor of the eastern districts, proposing plans for the building of a bridge over the Sunday's River, as well as for other similar works of public utility, within the portion of the colony subject to His Honour's government.

I think there can be no second opinion as to the vast benefits to the colony generally, to be anticipated from carrying out His Honour's suggestions; but the preliminary arrangements involve considerations and questions to which it has been hitherto quite out of my power to turn my attention and thoughts, and which; moreover, peculiarly appertain to the joint deliberations of my honourable colleagues of the Executive and Legislative Councils.

I have therefore to request that the Honourable the Secretary to Government will take an early opportunity of laying these papers before the honourable members, and will obtain for me their advice and opinions as to His Honour's propositions.

I may add that I shall be quite prepared to assent to any measure upon which the Honourable Councils may determine, and that there will not, in such an event, be occasion to await the result of a future reference to me.

I believe that there is no want of employment for all classes at this moment within the colony, but as objections have been strongly urged to my late steps for reducing the enormous military (local) expenditure, on the ground that it was depriving numbers of their sole means of subsistence, it may be observed that the proposition of the Lieutenant-Governor would afford most useful labour to all who wished for it.

HENRY POTTINGER.

## MINUTE.

Colonial Office, Cape Town, 7th June, 1847.

To His Excellency

The Right Honourable the Governor.

In obedience to the minute of the Right Honourable the Governor, dated the 31st ultimo, upon the letter of His Honour the Lieutenant-Governor, addressed to His Excellency, dated the 25th ultimo, proposing plans for the building of a bridge over the Sunday's River, as well as for other similar works of public utility in the eastern division of the colony,—the members of the Executive Council have taken the subject into their consideration, and beg to submit the following statement and observations:—

Upon the utility of the work in question, the Council entirely concur with His Excellency, and, before further adverting to the particular bridge proposed, it is necessary to offer a few prefatory remarks upon bridges in general.

1st. The construction of bridges or causeways upon the main lines of road throughout the colony devolves upon the Central Board.

2ndly. Similar works on branch roads devolve upon the Divisional Boards.

Under the first of these heads, the proposed bridge across the Sunday's River falls; and the Central Board, in the annual report to the Government, dated the 4th February last, state that, in consequence of the Kafir war, which commenced in the early part of 1846, they had been obliged to suspend the works they were then engaged upon in the division of Albany; and they proceed to state their intention of resuming the work upon the new line of road recommended by Mr. Bird, land-surveyor (who had been specially employed to report as to the most eligible line), between Uitenhage and Graham's Town, and which would have been undertaken several months before, had the state of the country permitted; and in their estimates of expenditure for the year 1847, have appropriated for this line of

road the sum of £10,000, and a further outlay for 1848, if required; and the Board, in their notice of the 10th March, have fixed this line as "crossing the Sunday's River about half a mile below the present drift."

His Excellency will thus perceive that the construction of a bridge over the Sunday's River forms a part of the plan already announced to the public by the Central Board.

Under these circumstances, we do not consider it advisable to take from that Board the management of the work in question.

We are informed that the Central Board have, sometime since, instructed Lieutenant-Colonel Michell to proceed with the work without delay; and it is believed that immediately upon his return from Cape Agullias the operations already commenced will be followed up.

In reference to the expediency of providing by legislation for the erection of bridges in other places, upon the plan proposed by His Honour, it appears to us that, whilst that plan is, in many respects, well worthy of attention, it may be doubted whether a necessity for acting upon it has yet arisen. We have already stated that bridges on the main and branch roads are now provided for, through the Central and Divisional Boards respectively, and we doubt much whether any bridge to be erected elsewhere would be sufficiently frequented to raise, by means of tolls, the funds which His Honour contemplates as necessary.

Under these circumstances, it appears to us inexpedient to propose at present to the Legislative Council any general measure; but we have no doubt that, upon sufficient information in regard to any particular locality being furnished to that body, it will readily enact such a law as may be necessary for constructing any bridge which does not come within the objects and administration of one or other of the Boards referred to.

We are induced to come to this conclusion from our experience of the unwillingness of the Legislative Council, unless upon very strong grounds, to delegate to the Executive Government the power of itself fixing tolls and charges. It is, however, to be observed, that this power has, in some instances, been delegated; but we would not advise the measure of calling upon the Council to delegate such a power in regard to bridges, until His Excellency shall be in a position to show that a number of such erections is required,—too great to be provided for by separate ordinances, and which yet do not come within the province of either the Central or Divisional Boards.

JOHN MONTAGU.  
HARRY RIVERS,  
W. PORTER.  
W. FIELD.

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#### GOVERNMENT NOTICE.

Colonial Office, 4th August, 1847.

His Excellency the Right Honourable the Governor has directed the publication of the following Minute and Documents for general information.

(Signed)

JOHN MONTAGU,  
Secretary to Government.

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#### MINUTE.

Graham's Town, July 26, 1847.

On the 24th of last month I received from the Lieutenant-Governor of the eastern districts a letter of that date, giving cover to a memorandum drawn up by His Honour, and a copy of a memorial which had been addressed to him by certain inhabitants of Port Elizabeth, on the subject of road rates, &c.

The above described papers were referred by me for the consideration and opinion of the Honourable the Members of the Executive Council, on the 25th of June, that is, the day after they reached me; and I was awaiting an answer, when I found that His Honour the Lieutenant-Governor had been pleased to send a copy of his letter to my address, and likewise of his memorandum, to the said certain inhabitants of Port Elizabeth, in acknowledgment of the receipt of their memorial, and that both had been immediately printed in the newspaper called the *Eastern Province Herald*, of the 10th instant.

I have now received a Minute from the Honourable the Executive Council, in answer to my request to be favoured with their sentiments, accompanied by a report prepared by the Central Board of Commissioners of Public Roads, dated at Cape Town on the 12th instant; and having attentively read, and given my most careful and impartial consideration to the contents of these documents, and others referred to in them, I deem it to be proper and necessary (however unusual such a procedure may be in the middle of an unfinished public discussion) to direct that the whole series of correspondence shall forthwith be published in the *Government Gazette*, for general information.

I feel that it would be supererogatory were I here to attempt to enter into a minute examination or analysis of the report of the Central Board of Road Commissioners, which, in my judgment, speaks sufficiently for itself, and contains a satisfactory and conclusive answer to, and refutation of, allegations which had been (I hope unthinkingly, and certainly unguardedly) made against gentlemen acting gratuitously for the benefit of the colony at large, under the obligation of a solemn oath.

I cannot, however, acquit myself of what I conceive to be only a simple act of justice by directing the publication of these papers, without expressing to the members of the Board, collectively and individually, the assurance of the gratification with which I have perused their report, as well as my personal thanks, as the head of the Government, for the able and zealous manner in which they have hitherto discharged the trust reposed in them.

HENRY POTTINGER.

Government Office, Court House,  
Graham's Town, 24th June, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Baronet, G.C.B.,  
&c. &c. &c.

SIR,—I have the honour to request that the accompanying copy of a petition, received by me on the 22nd instant, from the inhabitants of Port Elizabeth and its neighbourhood, may be referred, if Your Excellency pleases, to the Central Board of Roads at Cape Town, for report; as also the accompanying memorandum of the points connected with the existing road ordinance, which occurred to me after perusal of the packet of papers on roads and convict labour, forwarded to me by Your Excellency on the 21st instant, and herewith returned, according to your desire.

My present impression is that the reform in the employment of convict labour which was effected in 1844, has been a very advantageous measure for the convicts themselves and for the western districts; and that if the usefulness of the system be hereafter applied for a like period of time by the employment of the convicts of the whole colony within these districts, the eastern and western divisions of the colony will eventually have reason to be equally satisfied.

Irrespective, however, of the present convict system, I regret to have arrived at the conclusion that the past appropriations of money to road purposes have not been made by the Central Board at Cape Town, so far as the eastern districts are concerned, in the manner and to the extent authorised and required by Ordinance No. 8, anno 1843.

In the event of the Attorney-General being also of that opinion, I trust that it may be found practicable to restore the past deficiencies of funds, and thereby to render the continuation of the existing law consistent with the satisfaction of the inhabitants of this portion of the colony.

H. E. F. YOUNG, Lieutenant Governor.

To His Honour Sir HENRY EDWARD FOX YOUNG, Knight, Lieutenant-Governor and Commander-in-Chief in and over the Eastern Districts of the Colony of the Cape of Good Hope, &c., &c., &c.

The Memorial of the undersigned Inhabitants of Port Elizabeth and its vicinage,

HUMBLY SHOWETH,—

1. That on the 22nd day of November, 1843, a certain ordinance, entitled an "Ordinance for improving the Roads of the Colony," was passed by the Legislative Council assembled at Cape Town, in virtue of which a heavy tax was imposed on all owners of landed property. This measure, in itself abstractedly most praiseworthy, is, nevertheless, your memorialists believe, faulty in its details; and, unfortunately for the inhabitants of the eastern province, was carried through a council in which they had no voice.

2. That your memorialists have been taxed without their consent, and their money been expended without their concurrence, upon works which are of no use to them; a proceeding, they humbly submit to be at variance with the spirit of the British Constitution,—their inalienable birthright. That this province has already paid its quota of the road-rate for the year 1845,—an amount about £7,500. That the local Divisional Boards would have called for a rate for 1846, but were prevented by the disordered and unsettled state of the country, and the severe losses which had fallen on many landowners by the Kafir war. That this province is again called upon, and is now threatened to be forced, to pay a similar amount to the Central Board at Cape Town for 1847, while no work of the smallest consequence has been performed or commenced in this eastern province, with the single exception of an improvement in the Howison's Poort near Graham's Town, which, however, has not been completed.

3. That your memorialists cannot help adverting to the great works already finished or in progress in the western province, on which their money has been expended, and for which the whole of their convicts' labour has been diverted from the districts in which their crimes were committed, and where their labour had been previously employed.

4. That your memorialists regret to observe that while the roads of this province have been entirely neglected, a great and stupendous work was commenced on the 31st December, 1844, at Cradock's Kloof, in the district of George, in the western province, in a range of mountains which naturally divide the two great provinces of this colony; that this one road, when completed, which will not be before the close of the present year, will have cost the landowners of the colony some £40,000, or nearly the amount of two years' road income.

5. That it is generally acknowledged that this road was little called for by the circumstances of the country, and that as there is a better means of communication between the two provinces by sea, it is comparatively unnecessary, and might have been deferred until the completion of more urgent works, and that the immense expense incurred in its formation is unwarranted by the value of the surrounding districts and their products.

6. That your memorialists desire to point Your Honour's attention to the sections No. 26 and 27 of the beforementioned ordinance, from which Your Honour will perceive that all these proceedings are in direct opposition to the spirit and letter of its provisions. That your petitioners beg to bring to Your



Customs' Returns, 1846:  
 Import £253,848.  
 Export, 199,120.  
 £452,968.

Honour's notice the deplorable state of the road between the capital of the province and this, its only sea-port, a road over which all the rapidly-increasing commerce of the eastern province passes, to the value of £453,000 yearly, exclusive of the inland traffic; and your memorialists cannot refrain from expressing their astonishment at an announcement made by the Cape Town Central Board,—“that is not prepared to admit that part of said road between Port Elizabeth and its junction with the great or mail road *to be a main road*.”

7. That the whole machinery by which the affairs are regulated being concentrated in Cape Town, and scarcely any power being delegated to the Divisional Boards, the efficiency and duties of the latter are become merely nominal, and they are without a voice in the management of the most important roads passing through their respective districts.

8. That your memorialists most particularly beg to call Your Honour's notice to the fact that a road across the “Zuurbergen” (a mountain range) would connect, in a most advantageous manner, the districts of Graaff-Reinet, Somerset, Colesberg, and Cradock, besides the territory beyond the Great or Orange River up to the north of Natal, with the chief seaport of this your province, and would tend to a rapid development of the resources of the said districts, which road your memorialists have reason to believe could be completed at a comparatively small outlay of the road income.

9. That your memorialists cannot allow this occasion to pass without making special reference to what they conceive the extreme injustice of appropriating the revenue of the toll established at the entrance of this town, to the general purposes of the Cape Central Board. That a local ordinance was passed on the 13th August, 1824, for the establishment of this toll for the express purpose, as recited in the preamble, of keeping the street of and approaches to Port Elizabeth in a state of sufficient repair. That by an ordinance, No. 13, 1845, passed on the 15th January, 1845, this as well as other local tolls were vested in the Cape Town Central Road Board, that since that period the revenue derived from it figures in the general account of that Board; and although the inhabitants, as well as all persons visiting the town, are burthened with a heavy local tax, since the removal of the convicts to the Cradock Pass, they have never derived from it the slightest benefit.

10. That your memorialists therefore beg Your Honour will be pleased to represent this their case in the proper quarter, and that the province, being proclaimed “separate and distinct,” may enjoy the advantages of a Central Road Board of its own, with the entire management of its own resources, and that all the sums already received from the province by the Cape Town Central Road Board, whether from road rates, sales of public property, tolls, &c., may be refunded, and carried to the credit of Your Honour's Government for road improvement.

And as in duty bound, your memorialists will ever pray.

William Smith; W. Flemming, J.P., Commissioner Divisional Board; Cæsar Andrews; John E. Black; William Kuhr; W. H. Middleton; W. Staines; Henry Staines; John Conry; W. M. Harries, Commissioner Divisional Board; John Centlivres Chase, J.P.; Hend. van Roan; James Crawford; Thomas Handfield; Alfred Jarvis; R. Davies; Robt. H. Black; John Hugh; Daniel Phillips; Alexander Tennant; Richard Lee; William Armstrong; Henry Nathall Chase; John Jeffries Long; Thomas M. Driver; W. Pattinson; M. Jennings; A. B. Scheuble; J. R. Board; J. Proudfoot; Francis Stanley; W. Campbell; Sam Carr; James Hall; Martinus Diesel; George Ubsdell; Fred. R. Chase; Jn. Scheuble; Frederick Damant; C. Adcock; John Eagar; J. W. Kemp; G. Diesel; W. Adcock; T. Scallan; R. H. Lovemore; J. Palmer.

Port Elizabeth, 14th June, 1847.

## PARAGRAPH.

*Extracts from the Road Ordinances, Sections No. 26 and No. 27.*

XXVI. And be it enacted that the entire *proceeds* of any such rate as aforesaid which shall be assessed in any particular division of this colony, shall be applied *wholly and exclusively* to the construction and improvement of the main roads lying and being within that division, and not otherwise.

XXVII. And be it enacted that the said board shall, as much as may be, apply the convict labour, and the moneys granted from time to time by the Legislative Council, in such a manner as that the greatest amount of each shall be expended upon the main roads of that division in which the greatest amount shall be levied by assessment, and so in proportion, diminishing the assistance to be rendered by the general government to the several divisions in proportion to the diminution therein, respectively, of the main road rate.

## PARAGRAPH.

Memorandum of amount realised by the toll at Port Elizabeth from the 21st September, 1824, to ultimo, 1845.

1824 from September 21st to 24th	1835 Kafir war—no toll.
September, 1825, .. .. £79 10 0	1836 by amount of toll .. .. £112 0 0
1825 from September 25th to 30th	1837 do. do. .. .. 190 0 0
September, 1826, .. .. 61 11 6	1838 do. do. .. .. 255 0 0
1827 by cash in paid .. .. 18 6 0	1839 do. do. .. .. 105 0 0
1828 by amount of toll .. .. 94 8 6	1840 do. do. .. .. 247 0 0
1829 do. do. .. .. 112 15 0	1841 do. do. .. .. 225 0 0
1830 do. do. .. .. 97 0 0	1842 do. do. .. .. 251 0 0
1831 do. do. .. .. 101 0 0	1843 do. do. .. .. 152 0 0
1832 do. do. .. .. 80 5 6	1844 do. do. .. .. 245 0 0
1833 do. do. .. .. 117 1 0	1845 do. do. .. .. 100 0 0
1834 do. do. .. .. 120 0 0	

JOHN CENTLIVRES CHASE.

## MEMORANDUM.

24th June, 1847.

From the three printed reports, 1844, 1845, and 1846, I find that £61,565 15s. 6d. have been received by the Central Board, at Cape Town, from the public treasury, and that the Central Board has also received, or is to receive, from the rates and tolls in the six eastern districts up to the 31st December, 1846, the sum of £7,353 5s. 3 $\frac{1}{4}$ d.

The appropriation of this money is regulated by the following part of Ordinance No. 8, 1843:—"And be it enacted that the said board shall, as much as may be, apply the convict labour, and the moneys granted from time to time by the Legislative Council, in such a manner as that the greatest amount of each shall be expended upon the main roads of that division in which the greatest amount shall be levied by assessment, and so in proportion, diminishing the assistance to be rendered by the general government to the several divisions in proportion to the diminution therein, respectively, of the main road rate."

Four districts, Somerset, Cradock, Graaff-Reinet, and Colesberg, up to the 31st December, 1846, have no portion of the £7,353 5s. 3 $\frac{1}{4}$ d., nor of the £61,565, expended on their main roads; although, by the ordinance above quoted, an expenditure from each of these amounts was required to be made.

The assessment of Uitenhage received, or to be received, by the Central Board to December, 1846, amounts to £1,452 12s. 1d. The expenditure on its main roads is £390 18s. 2 $\frac{1}{4}$ d.

The assessment in Albany to December, 1846, paid or owing to the Central Board, amounts to £2,195 7s. 3¼d., and the Howison's Poort tolls, also received by the Central Board up to that period, £170 10s., make a total receipt of £2,365 17s. 3¼d. To this amount there was added, by the Board at Cape Town, a proportion of its general funds, £3,281 2s. 9d., and forming together a total expenditure in the Albany district, of £5,647 0s. 0¼d.

In a general statement, then, of the receipts and expenditure of the Central Board on account of the six eastern districts, and without taking into account, at present, the amount to be contributed to those districts from the general funds of the Central Board, to be expended on their main roads in proportion to the amount of local rates for main roads, there remains a balance due by the Central Board. For the rates and tolls, to December, 1846, received from the eastern districts by the Central Board amount to £7,353 5s. 3¾d.; and the total expenditure, including £954 19s. 11d., the cost of the valuations of immoveable property subject to be rated in the eastern districts, is £7,057 18s. 9d.

From the papers transmitted to me by Your Excellency, I find that in the four districts, viz., Somerset, Cradock, Colesberg, and Graaff-Reinet, in which, as already observed, nothing has been expended by the Central Board, either from local assessments or the general funds at its disposal, the respective commissioners desired to repair the main roads; and there can be no doubt that the main road could and would have been repaired long ago, if, instead of the local assessments being abstracted from those divisions, they had been augmented and expended in the manner contemplated by the Ordinance No. 8, of 1843.

A reference to the district reports of Somerset, Cradock, Graaff-Reinet, and Colesberg, will make the foregoing point evident.

In Somerset, 275 miles of main road are estimated to be repaired for £412. The Civil Commissioner, in July, 1843, remarks, as has been represented to me also by the present holder of the office, that the want of title deeds to lands long ago surveyed, promised, and occupied, prevents the payment of revenue to the Government; and that the alienation of other crown lands would yield ample means for maintaining the roads, if once put into order.

In Cradock, one thousand pounds would be sufficient to put all the roads into good order, and £250 would cover the expense of putting a chain suspension bridge, for horse and foot passengers, over the Great Fish River, whereby the uncertainty of communicating with Graham's Town and Colesberg, and of being able to send troops, if necessary, northwards, would be prevented. The bridge would also be in the direct line of the road over the Zuurberg from Port Elizabeth to Colesberg, *via* Somerset and Cradock. I find that tolls are also recommended to be established at Daggaboers Neck, and that it is calculated they would yield enough to keep in order the road from Cradock to Graham's Town and the Tarka.

Another toll is recommended to be established at Poplar's Kloof, on the road to Somerset from Cradock, which would probably produce revenue sufficient for the maintenance of that road.

A third toll is recommended to be established at Wagenspad Berg, on the road from Cradock to Graaff-Reinet, and the revenue is estimated as sufficient to keep the road in order for 50 miles to Cradock village.

In the district of Graaff-Reinet, five main roads to Uitenhage, Colesberg, Cradock, Somerset, and Beaufort could, it is reported, be put into efficient order for £770.

In the district of Colesberg, a survey is required of the best line of road to Graaff-Reinet. Judging from the expense of the survey of the main road to Graham's Town, as mentioned in the printed report of the Central Board, this work could be effected for £60, and £150 are estimated to be sufficient to put all the Colesberg roads in good order. Tolls are recommended at Ealands Fontein and Jagt Fontein, and are calculated to yield a revenue, which, when the roads are repaired, would keep them in order.

The total amount required, as above, for these four districts is £2,642; the Central Board has received from them £2,277 9s. 6½d.



Throughout the preceding statements, nothing of change is contemplated in the existing ordinance. No alteration of the powers of the Central Board is required; the present convict system is undisturbed; the employment of convict labour remains as before; the toll gates may be established under the 12th section of Ordinance No. 8, of 1843; the main roads may be reclaimed from the neglected condition in which they have been, ever since the enactment of the ordinance, by an expenditure on them of their own local rates, aided by a grant from the moneys voted by the Legislative Council in terms of the 37th section of Ordinance No. 8, 1843. Taking the total value of rates levied in the colony to be £23,677, and that the eastern districts (exclusively of tolls) have paid towards this amount £6,955, the proportion of the eastern districts to the western would be as follows:—

Western districts,	70,626	—	£16,722
	100,000		
Eastern do.	29,374	—	6,955
	100,000		
<hr/>			
			£23,677
<hr/>			

The amount received by the Central Board is £61,565; the proportion to each province, on the above ratio, would be £43,480 to the western, £18,084 to the eastern. This latter sum, with £7,353 5s. 3 $\frac{3}{4}$ d., being rates received, rates in arrear, and tolls, would be credited to the eastern districts, less £7,057 18s. 9d., expended by the Board in repairs, valuations, and money in the eastern districts. Moreover, the Central Board appears to have received a loan of £20,000 (over and above the £61,565 issued as a grant from the treasury); and if the road rates throughout the colony are liable for its repayment, the eastern districts ought to receive in return for their share of the liability, the benefit of an expenditure of upwards of £6,000 of the loan.

H. E. F. YOUNG.

Office of the Central Board of Commissioners of Public Roads,  
Cape Town, July 12, 1846.

To the Honourable the Secretary to Government.

The Central Board of Commissioners of Public Roads, in obedience to the instructions of the Right Hon'ble the Governor, have the honour to report on the memorial of the inhabitants of Port Elizabeth respecting the state and management of public roads in the eastern province, together with the letter and memorandum of His Honour the Lieutenant-Governor (on the same subject) to whom the memorial was addressed.

It is foreign to the duties of the Board to express any opinion on the allegations so prominently put by the memorialists, that the ordinance which provides for the existing administration and maintenance of public roads throughout the colony, was enacted by a Council in which they have no voice, and that, in violation of their inalienable birthright, they have been taxed and their money spent without their consent. The Board therefore confine their remarks to those matters, stated in the memorial and the Lieut.-Governor's memorandum, which directly refer to their own proceedings,—and to an explanation of the views and motives by which they have been guided in the discharge of their trust.

It is alleged by memorialists, that to appropriate any rate levied and received by this Board, to the construction or improvement of any line of main road not in the division from which such rate was raised, is a direct violation, both in spirit and letter, of the ordinance which authorises the assessing of fixed property, both by the Central Board and by others that are local, for the improvement of the public roads of the colony.

On this the Board have to observe that their powers to assess have reference solely to such as shall, by the Governor's proclamation, be defined and declared main roads, and are limited by the ordinance in respect to the number of rates they are to levy, and the amount of each. That when the Board shall have levied three rates on each of the several divisions, neither of which shall exceed one penny in the pound, nor shall be levied within one year from the date in which any other road rate shall have become due in the division assessed, their powers have ceased. And that then, and not till then, do they consider their exercise of this trust amenable to the enquiry, whether, in applying the resources which have been placed at their disposal for the construction and improvement of the main roads throughout the colony, they have discharged the obligations under which they are placed by those sections of the ordinance referred to by the memorialists. This view and interpretation of the provisions of the road ordinance, which alone can give efficiency to the principle of a central or general board, by which the Government co-operates with the landowners of the several divisions in the construction of roads and bridges, and the opening up of mountain passes,—the Board have the satisfaction to know, are confirmed by the professional opinion of Her Majesty's Attorney-General.

The memorialists complain, that the Board have hitherto confined the expenditure of the proceeds of the rates they have levied, and the grants from the public revenue, together with the convict labour, placed at their disposal, to the execution of works in the western province; and His Honour points to four divisions belonging to his Government, in which none of the rates levied by the Central Board have been expended on the main roads belonging to, or passing through them.

To this the Board have to reply, that under the views they hold, and have just stated, of the manner in which the powers they are vested with are to be exercised, confirmed as they have been by the legal adviser of the crown, their duty is, under the oaths they have solemnly taken, to husband with care the resources with which they are entrusted for the public good, and to apply them, in the first instance, to the removal of those barriers, of whatever form, which most obstruct internal intercourse throughout the colony, in whatever province or division they may be found. Now, the Board respectfully submit, while they firmly maintain, that this clear and obvious line of duty must have been abandoned, had they acted either on the views expressed by the Lieutenant-Governor, or on those entertained by the memorialists. Works comparatively unimportant would have had to be carried on simultaneously with others of the highest interest, at a necessarily increased expense in consequence, and a total sacrifice of the present system of convict discipline, so lately adopted, to remedy very serious evils, with general approbation;—while some ten or fifteen additional years would have to be spent by the Board in applying feeble and contracted means to the opening up of mountain barriers, which in this colony reduce whole districts to a state of unmitigated isolation; in effecting which it best consists with the interests of the colony, in all respects, that its entire convict labour, without respect to district or division, should be exclusively employed.

This charge of undue preference on the part of the Board to the interests of the western province compared to the eastern, is stated in less general terms in that clause of the memorial which refers to the opening of the mountain pass in the George division, called Cradock's Kloof. When this Board entered on their duties in the close of 1843, their attention was at once directed to the formation of a continuous line of road between the metropolis of the colony and its eastern frontier, which in extent could not be less than 500 miles. Considerations as obvious as important pointed this out as the first and principal undertaking in which the Board would have to engage. Apart from the consequence which must attach to the maintenance of an uninterrupted line of open intercourse between the seats of the supreme and provincial governments, the Board were impressed with this additional consideration, that the contemplated line of main road with a few

branches of trifling extent, would connect with the seats of government and with one another three-fifths of the chief towns of divisions, seats of magistracy, and villages in the colony,—while running nearly parallel with the sea coast east of Table Bay, it would open up every port of importance to those districts of the colony belting the shore, which are now the most populous and productive, and at the same time capable, from climate, soil, and the richest fishing grounds, of supporting a large increase of population.

In constructing this line, the first work in point of magnitude and importance was the formation of a hard road across the Cape Flats, which connects 52½ per cent. of the whole fixed property of the colony with the principal harbour and the chief seat of government, capital, and trade.

Next in importance was the opening of the Cradock Pass, the most formidable barrier to traffic and general intercourse in the whole line, and situate in the very centre of those fertile districts forming the sea-board of the colony, to an extent of 500 miles. To this formidable and arduous undertaking, the Surveyor-General personally drew the attention of the home government several years before the passing of the road ordinance, as the first of a series of efforts which ought to be made to bestow on this colony one of the leading characteristics of a civilised and industrious people, viz. : internal intercourse by good roads. The Board therefore felt themselves fully justified in commencing this work with the least possible delay, which, however, they would here remark, to account for the postponement of other works, has occupied more time, and incurred a larger expenditure, than could, from the most careful survey, have been anticipated.

The opening of this pass, which will take place in next January, not only removes the only remaining difficulty of a formidable kind on this extensive line, but at the same time opens a safe and valuable harbour to the central division of the colony. The importance of this may be in some degree estimated from the fact that, anticipating the great facilities to trade which will result from the construction of public roads, the harbour in Mossel Bay, which three years ago had no market, and scarcely a store, has now a market established by proclamation, in which, during the last year, produce was sold from the surrounding districts to an amount little short of one hundred and twenty thousand rixdollars.

While engaged with this pass and the hard road across the Cape Flats, the Board caused the remainder of the main line of road to be surveyed, and without delay, formed a road station at Howison's Poort, in the immediate vicinity of Graham's Town, where, under the views held by the Executive Government respecting the working of convicts, free labour could alone be employed. This work was subsequently interrupted by the unfortunate and protracted Kafir war, which unavoidably withdrew the labourers for the defence of the adjoining frontier; but it was resumed as soon as the circumstances of the country could possibly admit.

The next work to which the Board will direct their resources, is the Zuurberg Pass, in the eastern province, which belongs to an important trunk line, connecting several of the eastern districts with Port Elizabeth in Algoa Bay. Instructions have been given by the Civil Engineer for its survey, and a large convict station, which will contain one half of the convicts at the disposal of the Board, will be formed there towards the close of the year, which, but for the unforeseen difficulties which had to be met in opening Cradock's Pass, would have broken ground before this time on that line.

The Board have noticed the objections raised to this line not having sufficient importance attached to it, as it respects the order in which the several works have been undertaken by the Board. Having already explained their views generally on this head in another part of their report, it only remains for the Board briefly to state, that they cannot concur in an opinion which they believe to be at variance with a dispassionate and impartial consideration of the relative necessity and importance of the several works. And though anxious to connect the back districts of the eastern province with its chief port by an improved line of road, yet the work to which they have given precedence, and which opens a new and

valuable harbour, in the very centre of the colony, to districts whose inhabitants have hitherto had to travel hundreds of miles to port or market, is to their mind, and to that of the Civil Engineer, in whose professional opinion they have every confidence, one of greater general interest to the colony at large.

In confirmation of this view of the propriety of their course, the Board would simply advert to the probable difficulties which might intervene, if the formation of trunk lines had been less removed from local interests. The traffic of Port Elizabeth may, and probably will, be diminished by the opening of Mossel Bay to the greater part of the Uitenhage, George, and other divisions to the eastward of Cradock's Pass, and there can be no doubt that the incalculable benefits the districts of Somerset, Cradock, Graaff-Reinet, and Colesberg will receive by the formation of the road through the Zuurberg mountains, will withdraw a considerable traffic from Graham's Town and the Albany district.

It is stated in the memorandum of His Honour annexed to the memorial, that £61,565 15s. 6d. have been received by the Central Board at Cape Town from the public treasury, during the years 1844, 1845, and 1846. He further remarks, that the appropriation of this money to the construction of roads in the several divisions is regulated by the sections of the road ordinance referred to by the memorialists.

As the Board have already expressed their views on this subject, they would not have again referred to it, were it not for the impression resting on the mind of His Honour, that the whole of this amount was disposable for road purposes in the manner he describes. That such is not the case, will readily appear from the following facts. By the road ordinance, the Central Board has placed at its disposal, all moneys granted by the vote of the Legislative Council for *road* and *convict* purposes. These moneys have, during the three years mentioned, amounted to the sum in question, less £1000, received in excess in 1846, and which has been refunded to the treasury; but it is to be borne in mind, that of this, £6000 (two thousand pounds annually) are set apart for the expenses of the department by the appropriation ordinance, and that £28,605 5s. have been granted and applied for free labour and road materials, thus leaving £25,960 10s. 6d. for convict purposes. In the expenditure of this last-mentioned sum, the Board have had to perform the double duty of trustees to the public, and agents to the Government. As trustees they have to provide and pay for, under their own discretion and responsibility, the maintenance, clothing, &c., and safe custody of the convicts on the public works, and, as agents, they have had to pay, under the directions of Government, for medicine and medical charges, religious and secular instruction, and the administration of justice on the spot, as well as the support, &c., of the sick, feeble, and cripple, and those under punishment, and likewise for the whole body on non-working days; all of which charges are necessary for the convict system, but have no connection with labour on the roads. The Board, after a strict enquiry into the expenses incurred under the various heads, which cannot be properly charged against labour, or their administration of the main roads of the colony, have ascertained that instead of £25,960 having been placed at their disposal up to the close of 1846 for supplying convict labour, the sum of £10,028 must be deducted for charges they have been required to pay away as agents for the Government; thus leaving the Board chargeable with the sum of £15,932 only for convict labour purposes.

In connection with the subject of liability and expenditure, the Board would here refer to the distribution of the loan of £20,000, as proposed by His Honour, between the eastern and western provinces, on the assumption that the rates leviable in both have been guaranteed for its repayment. This is not the case. Of the sum above referred to, £10,000 were raised on the security of the rates of certain divisions of the western province, and the remainder upon the several divisions of the colony.

It is not the intention of the Board to give any opinion on the right claimed by the memorialists, that the labour of the convict belongs to the district where



the crime was committed ; but being charged by the Government with the carrying out of all sentences of imprisonment with hard labour exceeding three months, the Board think it proper that the Executive should be put in possession of such a statement of the results of the new system of employing convict labour, as will enable it to judge whether that system should be continued, or whether, as the memorialists desire, the old should be resumed. From an analysis of the weekly returns of labour performed at the several stations, it is found that the aggregate value of convict labour on the public roads during 1844, '5, and '6, calculated at the rate paid for free labour, namely, at two shillings for the day's work of every effective convict, amounts to £24,420, whilst the expense of maintaining all convicts whether effective labourers or otherwise, and the working of the present system, amounts to £25,960.

From the memoranda, reports, and other documents appended to the Governor's minute, read in the Legislative Council on the 14th September, 1843, previous to the adoption of the new road and convict system, it appears that the convicts then under the direction of the Civil Commissioners in the several divisions, amounting to 270, were chiefly employed in repairing the streets and roads of the several villages and municipalities, at an annual charge to the public (exclusive of £3,000 per annum for the penal settlement of Robben Island) of £6,750, without any permanent value resulting therefrom ; and moreover, that the expense of maintenance and supervision was greater than that now incurred, while hard labour, seclusion, reformation, and restraint may be said to have been wholly in abeyance. The average number of convicts maintained, &c., daily by the Central Board, during the years 1844, 1845, and 1846, was 365, at a total cost of £25,960 ; the cost of the available convict labour during the same period having amounted to £15,932, and (the Board feeling quite satisfied that the convicts perform more work in the same time than an equal number of free men) its value to £24,420.

His Honour points out in his memorandum the amount received by the Board from the districts of Graaff-Reinet, Cradock, Colesberg, and Somersset, viz., £2,277, and requests an appropriation from this Board of £2,642 for making and repairing their main roads. The Board take leave to refer His Excellency to the estimate of their expenditure contained in their published report, dated the 24th February last, from which it will be seen that a larger amount than that requested by His Honour has been set apart, by the Board, to be expended in 1847 for the improvement of the roads in those districts ; and it is not undeserving of notice, that the amount already expended by the Central Board in the eastern province, to the end of 1846, exceeded the amount received by them from that province, in rates and tolls, by the sum of £452. Nor is it improper to mention that the expenditure about to be laid out in the Zuurberg Pass, is as essential to the general interests of each of those four districts as any road within them.

It is with reluctance that the Board enter upon any discussion respecting rates and revenue which would make it appear that the two provinces felt as if they had conflicting interests in the Board's administration of the public roads belonging to both. But as this subject has been entered into in detail in the documents to which this report refers, they feel it due to truth, and the interests of their trust, to submit to His Excellency the following brief statement of the comparative amount of moneys supplied by the Government for road purposes, and received from the eastern and western provinces respectively, up to the 31st December, 1846.

Up to that date, the Government has contributed in money and convict labour (exclusive of the sum the Board has expended as the agents of the Government, for convict purposes, unconnected with convict labour, and the expenses of the department), £44,537. The eastern province has raised for the Central Board in tolls £641, and rates £6,094, together £6,735 ; and the western, in tolls £7,697, and rates £18,807, together £26,504. These different sources of

revenue placed at the disposal of the Board during the years 1844, '5, and '6 are, in centesimal proportions, as follows, viz. :—from Government  $57\frac{1}{4}$  per cent., western province 34 per cent., eastern province,  $8\frac{3}{4}$  per cent.

These collections are, however, irrespective of the rates levied and received by the Divisional Boards of the two provinces, which have amounted, to the end of 1846, in the eastern, to £1,007, and in the western to £10,003.

Assuming, however, that the Government applies, without charge, its convict labour to the opening of mountain passes and other barriers to internal intercourse, to which the resources of single divisions, with proportionate contributions from the public treasury, are wholly inadequate, then the comparative amounts of contributions will be as follows :—by the Government, £28,605, and by the eastern and western provinces as already stated, making a total of £61,844, of which  $46\frac{1}{2}$  per cent. has been contributed by Government,  $10\frac{5}{8}$  per cent. by the eastern province, and  $42\frac{3}{4}$  by the western. Of the aggregate of *all* rates and tolls levied throughout the whole colony, and amounting to £44,249,—the sum of £19,414, or about 44 per cent. of the whole, has been raised within Cape Town and division.

In conclusion, the Board cannot but remark on that part of the memorial where the following passage under inverted commas occurs :—“Your memorialists cannot refrain from expressing their astonishment at an announcement made by the Central Board, ‘that it is not prepared to admit that part of said road between Port Elizabeth and its junction with the great or main road to be a main road.’” The only correspondence on the subject of roads leading to Port Elizabeth in which the Board has been engaged, is that which has passed between them and the Divisional Board of Uitenhage, in none of which is such a passage to be found. If the memorialists refer to that part of the road leading to Graham’s Town which lies between Port Elizabeth and the junction with the main road, the Board beg, in answer to this allegation, to refer His Excellency to the following extract from their published report, dated 4th February, 1847 :—

“From Uitenhage and Port Elizabeth the Board have decided upon making, by free labour, the new line of road to Graham’s Town, which Mr. Bird has recommended, and which would have been undertaken several months back had the state of the country permitted.” To this the Board do not think it necessary to make any further remark.

By order of the Board,

W. TENNANT, Secretary.

#### MINUTE.

Colonial Office, Cape Town, 12th July, 1847.

To the Right Honourable the Governor.

In pursuance of the reference of the Right Honourable the Governor, dated the 25th, upon the letter of His Honour the Lieut.-Governor, dated the 24th ultimo, addressed to His Excellency regarding road rates, &c. &c. :—

We, the members of the Executive Council, having taken the same into consideration, beg to state that His Honour’s letter and its enclosures were referred to the Commissioners of the Central Road Board for report, and that Board having now made their report, it appears to enter so fully into the subject in all its details as to render it unnecessary for us, in transmitting it to His Excellency, to do more than express our concurrence therewith.

We think it our duty to advert to those passages in the 1st and 2nd paragraphs in the memorial of the inhabitants of Port Elizabeth, wherein it is stated in reference to the road ordinance, No. 8, 1843, that “unfortunately for the inhabitants of the eastern province (it) was carried through in a council in which they had no voice,”—and again : “That memorialists have been taxed without their consent.”

Now, we respectfully submit that, in point of fact, there is not any just ground of complaint connected with the passing of the ordinance in question.

It received the most deliberate and impartial consideration in the Legislative Council, without the slightest regard or reference to any one particular district or division of the colony more than another.

Ample time had been allowed to the inhabitants at large for stating their sentiments, or objections to the measure, previously to the passing of the ordinance, as a reference to dates will show.

On the 7th July, 1843, a circular letter was addressed to the respective Civil Commissioners throughout the colony, and published in all the colonial newspapers, announcing the intention of the Governor to submit to the Legislative Council "a Bill for making and repairing the Main Roads of the Colony,"—and calling for replies and suggestions to a series of queries therein proposed.

On the 14th of September the Governor laid before the Council a minute on the subject, in the principles of which the Council fully concurred, and passed certain resolutions.

The draft of the ordinance was published in the *Government Gazette* on the 27th October, 1843, and was passed into law on the 22nd November following.

Of the advantages which have—in the comparatively short existence of this law—resulted, we might, among many others, advert to the fact of Government lands which had been previously unsaleable, or only possessing a nominal value, being purchased at public auction in consequence of their vicinity to lines of road, either completed or projected, at high prices, varying from two shillings to thirty pounds per acre; and, as a matter of course, private property has shared in this advantage where situated near the lines of road.

JOHN MONTAGU,  
W. PORTER,  
HARRY RIVERS,  
W. FIELD.

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Graham's Town, 6th October, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bt., G.C.B.

SIR,—I have the honour of forwarding an extract, this day received, of a letter written on the 23rd December, 1843, by Mr. Justice Menzies; and availing myself of his permission to make any use of it that may seem to me to be proper, I request that it may be added to the road papers referred to in my letter to Your Excellency of 24th of June last, inasmuch as it is a corroboration of my opinion that the road rates have not hitherto been applied in the eastern districts to local improvements, in the manner required by the existing law.

I have, &c.,

H. E. F. YOUNG.

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*Extract from a Letter, dated 22nd December, 1843, from Mr. Justice MENZIES to the Honourable JOHN MONTAGU, Esq., Secretary to Government.*

Before concluding, I have only further to suggest that Dr. Stanger should be instructed to obtain accurate information as to what particular districts, in the great divisions through which the main road between Cape Town and Graham's Town passes, make use of any, and if so, of what portions of the said main roads, in conveying their produce to their usual market, and as to what districts make no use whatever of any part of such main road for such purpose, as also what are the markets at which each of such districts generally disposes of its produce and obtains its supplies, and what lines of roads are used in the conveyance of the same.



I understand the principle of the Ordinance No. 8, 1843, to be, that the expense of making and repairing both the main and branch roads in the colony should be defrayed, partly by a contribution from the general revenue of the colony, and partly by a contribution raised by assessment on the owners of landed property who will be directly benefited, or the value of whose properties will be directly increased by the making or repairing those roads, in proportion to the expenditure required, for which they are respectively called on to contribute. And that it was for the purpose of carrying this principle fully into effect that the 22nd, 26th, and 47th clauses of the ordinance have been enacted, providing that whenever an assessment on the landed property of any division shall be necessary for making or repairing any main or branch roads in that division, *all the landed property in that division (except as is excepted in the 22nd clause) shall be assessed for that purpose, and that the proceeds of every such assessment in any particular division shall be applied WHOLLY AND EXCLUSIVELY to the construction and improvement OF THE ROADS LYING AND BEING IN THAT DIVISION, and not otherwise.*

If it were not contemplated, when the ordinance was passed, that the effect of the provisions of those clauses should be, that no landowner should be called on to contribute by such assessment to the construction or improvement of any road from which he did not derive a positive and direct benefit, and that no part of the funds so levied should be expended, except in the construction or improvement of roads, from which those from whom the levy had been made derived a positive and direct benefit, it is difficult to imagine why the provision as to assessing the several divisions of the colony separately was introduced, and why the rates to be assessed and levied on landed property for their construction should not have been a general one over the whole colony, the proceeds of which should have been applied by the Government or the general Board for their purposes, in such manner as appeared most expedient.

Accurate information as to the actual local circumstances of this colony, will, however, prove that the provisions of the above-mentioned clauses will not only fail to produce the effects contemplated, but will actually produce effects directly the reverse of those intended.

For example, there is not one of the great undertakings which have been proposed for the improvement of the roads of the colony, viz., Cradock's Berg, Mosterd's Hoek, Du Toit's Kloof, the construction of a hard road across the Flats *in the line* of the main post road between Cape Town and Graham's Town, the road from Knysna to Langekloof, the road from Beaufort over the Zwarteberg into George,—which will not be wholly unproductive of any conceivable advantage to many of the landowners whose properties are situated in the divisions in which those undertakings are to be carried on;—nay, which will not in some cases be productive of direct and positive injury to many of such landowners, who have been forced to contribute to the expense of completing them, while in few or any of those instances will there be found in the same division any second undertaking of a similar nature and magnitude, which, if completed at the general expense of the division, will compensate those who have received no advantage from, or been injured by, the completion of the first, for the money they have been obliged to contribute to the first, or for the loss which the first has occasioned to them.

On the other hand, in some of the above cases it will be found that the landowners of an adjoining division will derive as much advantage as some, and more advantages than many, of the landowners of the division in which the new or improved road has been made, and also that the local circumstances of those *adjacent* divisions do not afford any opportunity for making any new or improved road in them, which will be productive of any advantage whatever to the landowners of the division at whose expense, exclusively, the road benefiting the landowners of the adjacent division was made and improved.

Thus the making of the new road through Mosterd's Hoek would not only be productive of no advantage whatever to the landowners in the field-cornetries

of Worcester, Goudini, Hex River, and the Boschjesvelds, but be most injurious to the three first by preventing the passage through any part of them of all the traffic to and from the interior of the colony by Hex River.

While, on the other hand, many of the field-cornetries of Worcester would derive no benefit whatever from the proposed improvement of the road through Hex River and Du Toit's Kloof, and would not be compensated for the amount of the expense contributed by them for that purpose, by the contributions which would be received by the landowners of the field-cornetries above mentioned, to the much less expensive operation of making the road through Mosterd's Hoek, if this road and that through Hex River and Du Toit's Kloof should both be made.

The proposed road from Beaufort over Zwarteberg into George will be productive of benefit solely to the inhabitants of Beaufort, and of none whatever to those of George, yet as the south side of the Zwarteberg is in the division of George, the landowners of George must, under the present provisions of the ordinance, pay the expense of making the road on the south of the ridge, if it shall be considered a main road.

And if it be considered a branch road, the proposed road, so advantageous to Beaufort, and also beneficial to the merchants of Cape Town, will never be made; because the local board of George will never assess the landowners of George for making a road of no use or advantage to them, and because, by the provisions of the ordinance, the landowners of Beaufort cannot appropriate any of the funds, levied by assessment on their properties under the ordinance, to making any part of a *branch road, which is not lying or being in the division of Beaufort.*

The very same remarks will apply, and to the same extent, to the projected road over the Zuurberg, which is to afford a direct communication to the division of Somerset, and part of the divisions of Graaff-Reinet and Cradock, with Port Elizabeth, from which the inhabitants of those districts will derive very great advantage, but the landowners of the division of Uitenhage none, if, as I believe to be the case, the north side of the ridge over which the road is to be made is in the division of Somerset, and the south side in that of Uitenhage.

If it be said, true it is that the distinction made in the ordinance, as to the several divisions, does not exactly distribute the expense of making and improving the roads in each among the landowners thereof, in proportion to the amount of the benefit derived by them from the several roads, but it is impossible to frame any provisions which will accurately produce this result, and the system established by the ordinance is as near an approximation to the attainment of such accurate proportionment as can be had, the answer is, this system is not such an approximation, nor even an approximation at all, and the information which it has been above suggested ought to be obtained, will, when obtained and made use of with a sound discretion by the Governor and the Executive Council, or the General Board, and provided the obnoxious clauses of the ordinance are repealed, and amendments introduced in their stead, enable them so to arrange the mode of assessing the landowners in the several divisions of the colony, as will make the benefit which the landowners of each sub-district or particular locality derive from the construction or improvement of the roads in their neighbourhood, commensurate with the amount of the expense which they are called on to contribute for that purpose.

The enquiry which I have suggested Dr. Stanger ought to be instructed to make, and the facts which the Civil Commissioners might with advantage be called on to furnish both, by their own reports and those of their field-cornets, on the subject, will produce a mass of statistical information, which cannot fail to be of great use to the general Board in the discharge of its duties.

I consider that your note was written, and Dr. Stanger's instructions communicated to me by you privately, and not as Secretary to Government or chairman of the general Board; but you are at perfect liberty to make any use of this letter you think fit. All I stipulate is, that if any reference, to it is made, either in the Legislative or Executive Councils, or in the general Board, *a full copy of it* may be submitted to them.

## MINUTE.

Graham's Town, 7th October, 1847.

In forwarding this letter, I may say that I have read the extract which is enclosed, and that it does not alter my opinion of the correctness of the report of the Central Board of Road Commissioners. I still hold that there must be one Board for the main roads of the *whole colony* that even were the western and eastern districts separated in other respects, this should still be the case with respect to roads (however the Commissioners may be chosen or appointed), to ensure unanimity and regularity of purpose, without which no adequate end could be obtained. To me it is obvious that to lay out the assessments in the *dribblets* in which, comparatively speaking, they are collected from the different districts, *in each particular district*, would be a mere waste of money, and I am (with every deference to Mr. Justice Menzies' sentiments) satisfied that all legal provisions will be met by the total amount collected in each district being expended in that district during the continuance of the ordinance.

These papers should of course go home with the others now being prepared, and I wish this minute to accompany them.

I may add, that I am quite ignorant of the circumstances under which Mr. Justice Menzies wrote the letter from which this extract is taken. I suppose he was asked to offer any hints that might occur to him. This, however, should be explained by the Honourable the Secretary to Government; and as I see at the bottom of the extract that the writer requests that a "*full copy*" may be used; I think that ought to be done, distinguishing what is in this extract by inverted commas.

As two of the Honourable Members of the Executive Council are now here on duty, I send these papers for their perusal, and any remarks they may wish to offer, previous to forwarding them to Cape Town.

HENRY POTTINGER.

Graham's Town, 8th October, 1847.

The Right Honourable the Governor, &amp;c. &amp;c. &amp;c.

In obedience to the desire expressed by the Right Honourable the Governor, in his minute of yesterday's date, we have read the letter of His Honour the Lieutenant-Governor of the 6th instant, addressed to His Excellency, as well as the extract from a letter of Mr. Justice Menzies to Mr. Montagu, forwarded by Sir Henry Young.

We are humbly of opinion that these papers should be laid before the Central Board of Road Commissioners for their report.

But, in the mean time, we take the liberty of observing that His Honour appears to us to labour under a slight misapprehension of the scope of Mr. Menzies' reasonings when he calls them a corroboration of his opinion that the road rates have not, in the eastern districts, been applied in the manner required by the existing law.

Mr. Menzies endeavours to prove that the existing law is framed upon a wrong principle, and ought to be amended. His Honour endeavours to prove that the existing law, be its principle right or wrong, has been violated.

These propositions, as we respectfully submit, are separate and distinct, and furnish no corroboration of each other.

The plan recommended by Mr. Menzies of removing all former land-marks, and creating wholly new divisions of the colony for the purposes of road-taxation, would, no doubt, have been attended by some obvious advantages. But, considering that no care or cost could secure more than a very rough approximation to the principle of taxing every man in proportion to the benefit to be by him derived from the roads in his vicinity, —that an old division which has, by time, given a sort of corporate or collective feeling to the inhabitants residing within it,

should not be abandoned for a new division, for merely road purposes, made up of bits and scraps from the old divisions, unless in obedience to public opinion, clearly expressed,—that no such public opinion, so far as we know, has ever been declared,—and that the principle of breaking up old divisions, if once introduced, would probably lead to a minuteness of subdivision fatal to any great or effective administration of the public roads of the colony,—we are humbly of opinion that the principle of the ordinance No. 8, 1843, is not unsound in the point to which Mr. Menzies has adverted.

The separate and distinct question agitated by His Honour has already been sufficiently discussed, and we shall not, upon this occasion, trouble His Excellency with any observations upon that subject, further than to repeat that neither of us has ever doubted, that every division is entitled to have the whole amount of the assessment levied within it applied to its own roads. But we do but just as little that, in the first instance, all divisional assessments may properly be paid into one common chest, keeping correct and separate accounts,—and that the Central Board cannot be deemed to be chargeable with any irregularity until it shall be found, upon the close of their legislative existence, that some districts have not had the amount of their respective contributions spent upon their respective roads

W. PORTER.  
W. FIELD.

Cape Town, 9th October, 1847.

The Lieutenant.-Governor and Mr. Justice Menzies on roads. To be laid before the Executive Council, and sent to the Central Board of Commissioners for their sentiments on it.

HENRY POTTINGER.

#### MINUTE.

Colonial Office, Cape Town, 21st Oct., 1847.

The Right Honourable the Governor.

We, the members of the Executive Council, having, in obedience to the Right Honourable the Governor's commands, attentively considered the letter from His Honour the Lieutenant-Governor, giving cover to an extract of a letter from Mr. Justice Menzies, dated 22nd December, 1843, have the honour to submit, that we entirely concur in the opinion expressed by His Excellency, that under any circumstances, one Board only for the main roads of the colony should exist. We further concur with His Excellency, that to lay out the assessments in each division, as they are collected from the different divisions, would be a waste of money.

With reference to His Excellency's instructions that these papers should be forwarded to the Central Board, we beg to transmit the report of that Board, in which we entirely concur.

With regard to His Excellency's remark, that the circumstance under which Mr. Justice Menzies wrote the letter from which the extract is taken, should be explained by the Secretary to Government, the first undersigned begs to draw His Excellency's attention to a separate letter addressed by him, under date the 19th instant, explanatory of these circumstances.

JOHN MONTAGU.  
HARRY RIVERS.

Office of the Central Board of Commissioners of Public Roads,  
Cape Town, 20th October, 1847.

The Honourable the Secretary to Government.

SIR,—The Central Board of Commissioners of Public Roads have this day had under their consideration the following documents, referred to them by order of the Right Honourable the Governor :—

1st.—An extract from a private letter addressed by Mr. Justice Menzies, on the 22nd December, 1843, to Mr. Montagu, Secretary to Government, on the subject of public roads and the Road Ordinance passed on the 22nd of the month immediately preceding.

2nd.—A letter addressed to the Right Honourable the Governor, on the 6th instant, by the Lieutenant-Governor of the eastern districts, requesting that the abovementioned extract may be added to the other official documents relating to public roads, as corroborative of His Honour's opinion, previously expressed, "that the road rates have not hitherto been applied in the eastern districts to local improvements, in the manner required by the existing law."

On these documents the Board of Commissioners take leave to report as follows :—

It is not necessary that the grounds should again be brought under the notice of His Excellency, on which the Board have differed in opinion from His Honour the Lieutenant-Governor as to the legality of their proceedings in the exercise of the trust reposed in them by the Ordinance No. 8, 1843. Their views on this head have been fully explained in a former report, and it only remains for them to state, in reference to His Honour's letter now under consideration, that with every feeling of respect for His Honour's judgment and discernment, the Board are at a loss to comprehend how the extract from Mr. Justice Menzies' letter can be considered in any way corroborative of His Honour's opinion on this point. The extract in question refers exclusively to the principle on which the road ordinance was framed—and was *penned* before it had been brought into operation; whilst His Honour's charge is that in working the law, this Board had violated the provisions contained in the 26th and 27th sections. It is true that Mr. Menzies refers to the obligations imposed upon the Board by these clauses, in regard to the appropriation of assessments levied on landed property in the several divisions, but he nowhere states that the assessments of each division for the lines of main road shall constitute a distinct and separate fund, and that, as they are levied so shall they be applied, which is the interpretation on which His Honour has founded his charge against this Board.

The object of Mr. Menzies' suggestion, that Dr. Stanger should be instructed to obtain accurate information as to the districts through which the main road from Cape Town to the frontier would pass, and the extent to which these districts would avail themselves of any portion of that line in bringing produce to market, seems to have been that the Central Board might thereby be put in possession of sufficient statistical data (before moving the Governor to proclaim) to determine whether the line, as projected by Dr. Stanger, was, on the whole, the most advantageous to the surrounding districts.

That the Board have not gone ignorantly or precipitately to work in this matter does abundantly appear from the fact that the whole of this road has been surveyed, and more than one half of it proclaimed for some time past, while not a single objection has reached the Board from any of the surrounding districts against the line selected by the surveyor, nor a word uttered in disparagement of this important public work by any public paper or journal in the colony. And as to the extent to which the paramount object of such a work will be attained by the construction of this line as projected, viz., the advancement of the trade of the colony, both domestic and foreign, and the full development of its resources, the Board take leave to refer His Excellency to the following statement in their previous report :—" This line of main road, with a few branches of trifling extent,



will, when completed, connect with the seats of Government and with one another three-fifths of the chief towns of divisions, seats of magistracy, and villages in the colony ;—while, running nearly parallel with the sea coast east of Table Bay, it will open up every port of importance to those districts of the colony belting the shore, which are now the most populous and productive, and at the same time capable, from climate, soil, and the richest fishing grounds, of supporting a largely increased population.”

In the second paragraph of the extract from his letter, Mr. Menzies states the principle on which the road ordinance was framed, to be, “that the expense of making and repairing both the main and branch roads in the colony should be defrayed partly by a contribution from the general revenue of the colony, and partly by a contribution raised by assessment on the owners of landed property, who will be directly benefitted, or the value of whose properties will be directly increased, by the making or repairing those roads, in proportion to the expenditure required, for which they are respectively called on to contribute.” And in the paragraphs immediately following he maintains that it was to uphold the integrity of this principle that the 22nd, 26th, and 47th sections of the road ordinance were enacted.

Although it does not belong to this Board to account for, or defend, the principles of the road ordinance, or of any other, their duties being wholly ministerial, yet, as the carrying out of these principles has, in consequence of their trust, devolved upon them, it was natural that His Excellency should require of the Board, from their intimate relation to the ordinance in question, their views and sentiments on this head.

In obedience to His Excellency's request, the Board, therefore, take leave to remark that their views of the principles and provisions of the road ordinance are very different from those of Mr. Justice Menzies.

Roads are characteristic of every country not wholly barbarous; they are coeval with the existence of real property in any community, and by the unwritten law of every state in Europe their maintenance is an obligation blended in the right in real property, and inalienable from it. In this colony, previous to the passing of the road ordinance, this obligation was discharged by the occupiers of land in each field-cornetcy furnishing a specified number of labourers for a certain number of days to repair the roads within its bounds,—a regulation which, in later years, fell into abeyance, chiefly from the scarcity of labour among the agricultural inhabitants. That such an arrangement, which in Europe belonged to the last century, could adapt itself to the present progress of the colony in every branch of industry, by opening up harbours to the adjacent districts and the mountain barriers that intersect the colony, by bridging rivers and constructing main lines of road on scientific principles, so that each should form part of one consentaneous system, will scarcely be maintained. It therefore, we presume, became the duty of the Executive to supersede a system whose character in every respect unfitted it for the present and prospective wants of the colony, and to establish by ordinance a law whereby the internal intercourse of the colony would be provided for on general and systematic principles, by the commutation of forced labour for an assessment on fixed property and contributions from the general revenue, to meet those expenses, in the opening up of mountain passes and works of a similar kind, with which the landed interest of any single division could not, with justice, be exclusively burdened.

For this end the road ordinance is understood to have been passed. But it would have been anything but consistent with the views thus expressed, which from the documents laid on the table of the Legislative Council are known to have been those entertained by the Executive, had that ordinance been based on the principle for which Mr. Menzies contends, viz., that no landowner should be assessed for the construction or repair of roads which do not directly benefit his own property, or whereby its value is not enhanced in proportion to the amount he is taxed for the expenditure. To concede this, is at once to admit that the

great object for which the ordinance was passed has been abandoned—and that an obnoxious and objectionable system, unfitted for the present state of the colony, has been more firmly established than before, with this simple modification, that for a time an assessment on fixed property has been substituted for contributions of forced labour.

The Board, however, fully consider that such is not the principle of the road ordinance, and that the provisions quoted by Mr. Menzies in support of his argument can be accounted for on very different grounds.

In imposing an assessment on fixed property in lieu of a system of compulsory labour, which for some years had fallen into abeyance, it became the Executive, where so important an interest was at stake, to guard against the risk of creating such a hostility to the measure as might endanger its success,—and the more so, as, in this colony, all direct taxes and assessments had been abolished some time previous to the framing of the ordinance. Having strong reasons for believing that a formidable, and in all probability a successful, resistance would have been made to any measure for the construction of roads, which involved a permanent tax on the landed property of the colony, it appears to have been considered by the Executive Government, in the first instance, expedient to regard the assessing of the landed property as experimental, and in consequence to limit the provisions of the ordinance for this impost to the levying of six rates, one half of which, under the direction of the Central Board, should be expended in the construction of main lines of road, and the other half, under the administration of Divisional Boards, should be applied to the formation of branch roads, connecting the several districts of each division with the main lines passing through them.

But whilst the Government had thus resolved on limiting the assessments to six rates, they were not ignorant of the fact, that the proceeds of the three rates, together with the contributions from the general revenue which would be placed at the disposal of the Central Board for constructing the main lines of road throughout the colony, would come far short of that object,—the aggregate of such rates from every division not realising more than £70,830. And on this ground they considered it but equitable, as also indispensable to the formation of branch roads under the administration of Divisional Boards, that, though the opening of mountain passes and the removal of the most formidable barriers to internal intercourse must first engage the attention of the Central Board and engross their resources, yet that they should be bound by the provisions of the ordinance so to diffuse their labours over the whole colony, that the landowners of each division should find improvements effected in the main lines of road therein, at least equivalent in value to the rates that had been levied for that purpose.

Such the Board believe to be the correct interpretation of the object of those provisions contained in the 22nd, 26th, and 27th clauses of the road ordinance, on which Mr. Menzies rests his argument for the principle on which he maintains that ordinance is framed, viz. : That no landowner can be taxed for the construction and repair of roads where he is not *directly* benefitted, or the value of his property thereby enhanced in proportion to the amount of his share of the expense. And from this statement of the circumstances, connected with the framing and passing of this ordinance, His Excellency will at once see the grounds on which the Board differ from Mr. Menzies in the views he has taken of the whole matter.

But, irrespective of this, the Board maintain that the “principle of *direct* benefit proportionate to the amount of rate levied,” is not to be found in any clause or section of the ordinance in question. On the contrary, there is a very significant indication of an opposite tendency in the fact, that the fixed property of the municipalities both of Cape Town and Green Point are rated not only for the main roads leading to town, but also for the branch roads throughout the division,—an assessment more than double of any other in the colony, though at the same time in direct violation of the principle for which Mr. Justice Menzies contends; the landowners in these municipalities having a *direct* benefit in the



maintenance of their streets, but an *indirect* one in the construction and repair of roads throughout the division.

In another part of this extract Mr. Menzies endeavours to show that the ordinance ought to have been so framed as to enable the Central Board to levy rates throughout the colony, and to carry on the construction of roads, without reference to the amount expended in any one district or division; or, if the principle acted upon was to be that of local appropriation in proportion to the amount of local impost levied, that in that case the districts called field-cornetries should have been adopted, and not the fiscal divisions referred to in the ordinance. In support of this, Mr. Menzies quotes several instances in which he believes that field-cornetries will, under the present ordinance, be assessed for roads passing through the division to which they belong, from which they will have not only no direct benefit, but will actually suffer injury, by changing the line of direction of some road that had previously passed through that part of the division. On this the Board have to remark that the internal intercourse of any single division is not solely provided for by the main roads that pass through it, but chiefly by those ramifications or branch roads connecting field-cornetries or districts with one another, and (by means of the main roads) with the chief ports and general markets of the colony. These branch roads, it is unnecessary to state, are, under local administration, so constituted, that whilst measures are taken to provide for the internal intercourse of the division as a whole, the interests of no individual field-cornetcy need be sacrificed or overlooked. Hence His Excellency will be prepared to expect that this Board prefers the scheme adopted in the ordinance to either of the alternatives proposed by Mr. Menzies.

And were it necessary, as the Board believe it is not, to impress on His Excellency's mind the importance of adhering to the principle and provisions of the existing ordinance in this respect, they would take leave to refer His Excellency to the history of roads in England and other countries, where experience has compelled them to abolish parochial trusts, as far as main roads are concerned, and, by combining parishes, to form road districts, with qualified surveyors,—committing also extensive lines of road either to Parliamentary Commissioners or other special trusts. This, again, from the consequent absence of any consentaneous system of operation, has been found unfitted to the growing wants of the country; and from what has recently dropped from the late Premier, Sir Robert Peel, in the House of Commons, it is more than probable that, in a short time, the same system will have to be adopted in England which the Board now solicit may be retained in this colony.

The Board do not think it necessary to occupy His Excellency's time with any additional remarks on the documents which have been thus submitted to them.

By order of the Board,

W. TENNANT, Secretary.

Colonial Office, 19th October, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—In attention to Your Excellency's intimation that the circumstances under which Mr. Justice Menzies wrote his letter to me of the 22nd December, 1843, should be explained, I have the honour to submit the following statement:—

A few months after my arrival in this colony in 1843, I collected materials and prepared a report to the Governor, for establishing an improved system of convict discipline and the administration of public roads.

Desirous of procuring information from every quarter, I conversed with Mr. Menzies and many other persons, and my report was laid by the Governor on the

table of the Legislative Council, on the 14th September, 1843. My conversations with Mr. Menzies were not official, they were merely casual, when we happened to meet, and such as occur daily between two gentlemen in familiar intercourse upon any public topic. I never consulted with Mr. Menzies officially, nor did I, in any manner, ask his advice or suggestions.

In September of that year he went on circuit, and from a note he wrote me from Uitenhage on the 6th of the following month, which I have found amongst my private papers, and transmit herewith, it will be seen that, in a friendly unofficial form, he wrote to me, as to a private gentleman, and not as the Secretary to Government, nor for the information of the Governor, but for my own notice, pointing out some difficulties which appeared to him to stand in the way of the working of my proposed road and convict system. In that note he alludes to a survey of the roads, and I imagine that I must have informed him, either in a similar description of note or perhaps verbally, on his return to Cape Town, that Dr. Stanger had been engaged to make such a survey, and most likely sent him a copy of his instructions, as they were printed for distribution. I beg to enclose a copy of them for Your Excellency's perusal. If I wrote to Mr. Menzies I kept no copy, as it is not my habit to keep copies of such notes, as they are never written by me for an ulterior object, or to be made available for an official purpose.

Indeed, I am sorry to be obliged, by the course Mr. Menzies has adopted, without any reason assigned, of converting a private letter to me into an official document, to use the accompanying note from himself, and I do it with the greatest reluctance; but without it, I cannot furnish the explanation called for by Your Excellency. I usually destroy notes of that character; I imagined this from Mr. Menzies had been so, and if it had, I could not have complied with Your Excellency's suggestion.

Mr. Menzies' letter of 22nd December, 1843, must, I conceive, have been written to me in reply to my informing him of Dr. Stanger's employment, as I can recollect no other circumstance to account for it. These few words afford the explanation required of me, and perhaps I ought not to add to them. But as it appears to me that something more will be expected from me, as the Secretary to Government, to account for my silence to the Governor of the colony upon such a letter from such a quarter, during the late investigation into the conduct and proceedings of the Central Board, I shall take the liberty of submitting some further explanation.

In the first place, I must remark that Mr. Menzies is in error in designating the extract he has furnished of his letter to me of the 22nd December, 1843, as from Mr. Justice Menzies to me, as Secretary to Government. It is not probable that a Judge of the Supreme Court would write officially to the Secretary to Government upon such subjects, nor the Secretary to the Judge; their respective positions and duties under the Government forbid it. But Mr. William Menzies wrote to Mr. John Montagu an unofficial, friendly, private letter;— and the extract he has furnished establishes that fact, and shows that it has no reference to the Government, and contains no request to me to convey his suggestions to the Governor. Moreover, if, instead of supplying an extract only Mr. Menzies had sent a copy of the whole letter, it would, upon the face of it, have been found to contain nothing whatever indicative of an official character, but everything diametrically the reverse, precisely as is shown by his note of the 6th October.

The circumstance of holding a public office, does not take from me the privilege of having private, friendly, and unofficial correspondents; but I am, and always have been, so sensible of the importance of rigidly observing the distinction between the two descriptions of letters, as to enable me to state, in the most decided terms, that I have never withheld from the head of the Government, any letter, in whatever form it came to me, which had the slightest pretension to official or public, or which had been apparently written or intended for his information.

Mr. Menzies' letter had no such pretensions, and as I did not conceive it would be used by him for any other purpose without my permission, I destroyed it shortly after I perused it; and from that time to the present, I believe, I have had no further conversation nor unofficial correspondence with Mr. Menzies upon my system of roads and convicts. I confess that his letter provoked me, and that I destroyed it, perhaps in warmth.

From his long residence and experience in the colony, I certainly expected to obtain from him some useful information,—some practical hints,—some observations above common-place. But on every occasion he attempted it, he disappointed me, and his letter of 22nd December concluded him in my estimation. His belief, in October, 1843, that if the convicts were placed in large bodies, and put to moderate hard labour, without guards and physical coercion, one-half of them would desert within the first month, and the remainder at the end of the second month, and that they were not to be restrained by mere moral and religious influence, evinced, to my mind, such small knowledge of human nature, as to leave with me an unfavourable opinion of his judgment. And when, in addition to this, I perceived he could not see how convicts, concentrated in large gangs, could be fed, clothed, lodged, and instructed, at less expense than the same number had been while dispersed in small parties all over the colony; and, further, that he was of opinion that every convict who escaped would kill a sheep or an ox, or break open a storehouse or mill within 24 hours after he had effected his escape,—my opinion was equally unfavourable in regard to his penetration.

And how completely have the results of four years' trial of my system nullified Mr. Menzies' predictions in every particular, and justified those opinions. For instance, the convicts have been put in gangs of from 200 to 250. Their work is extremely hard, incessant, and very laborious. They are held without the aid of a guard; out of upwards of 1,200 convicts who have been under the system, 13 only, having deserted, are at large at this moment. The men have been restrained, excepting the aid of a few indifferent constables, entirely by the operation of moral and religious influences; their expense has been decreased by more than one-fourth. And with one exception, no deserter has committed a robbery of any kind, either within 24 hours, or within as many days or weeks after desertion, but all have secreted themselves, and have skulked far away as quietly and as quickly as they possibly could.

These unfavourable opinions were followed by the letter of the 22nd Dec., containing Mr. Menzies' notions of the proper principles for a road ordinance; and when I then discovered that in his opinion the system of providing for the expense of roads ought to be governed by the amount of positive and direct benefit each contributor derived from each particular work, and that unless a contributor could be shown to derive such individual benefit, he would receive direct and positive injury by the formation of roads,—all respect for his views and knowledge of such subjects entirely vanished. I then conceived, and still conceive, that the views of any person are undeserving of attention, who, when providing for the wants and advancement of a large but widely dispersed community, cannot take a more comprehensive range of such a measure, and cannot comprehend the benefits to that community, of decreasing the expense of carriage, by removing, without reference to individual interests, the greatest obstacles to general traffic, and thus to effect the greatest improvements for the greatest number.

This explanation will, in some measure, account for the silence I have referred to, for I admit that the whole of Mr. Menzies' correspondence and conversations had entirely passed from my mind. But if it had been otherwise, I should not have brought them under Your Excellency's observation, because I should have felt I was not at liberty to make an official use of a private letter, and also because I should have deemed them undeserving of it, in so far as respects the main question which was then under consideration.

Mr. Menzies, in his letter of December, does not assert that the proceeds of every road assessment shall be applied, when and as received, to the particular divisions which contributed it; but that it shall be applied wholly and exclusively to the roads of that division; Your Excellency, the Attorney-General, and the Central Board, have taken the same view of the law. The different opinion entertained by the Lieutenant-Governor is one of time only. He contends that those moneys should be expended as received, and not at any time the Board may select during the continuance of the ordinance.

Considering, however, that the unofficial opinion of Mr. Menzies to me as Mr. Montagu, could not, even if I had remembered it, have been used by me as the official opinion of Mr. Justice Menzies to the Secretary to Government, I should not have repeated it; and feeling too, that upon any matter in which the Government, or a department of the Government, is concerned, the opinion of a Judge, who may have it brought judicially before him, ought not to be embarrassed by an extra-judicial opinion, and that the less a judge is mixed up with the proper business of the Executive Government the better,—I should for these reasons likewise have remained silent.

It does not appear, from the documents, in what character or capacity, nor under what circumstances, nor with what object or motive, Mr. Menzies furnished the Lieutenant-Governor with the extract of his private letter to me; nor can I discover from them why, two months after Your Excellency's decision upon the former correspondence upon this subject had been notified officially and publicly, Mr. Justice Menzies should have taken the trouble to prepare himself before leaving Cape Town on circuit, and step in, uninvited by the head of the Government, to revive it, and probably again renew the agitation which had subsided. Such a proceeding, commenced under the Lieutenant-Governor, instead of the Governor, who was equally accessible at the time, would appear to be more inexplicable in the case of Mr. Justice Menzies, when Your Excellency calls to your recollection that it is but five months since that he declined to furnish the Lieutenant-Governor with information, upon his requisition, unless the application was made for it by the Lieutenant-Governor through the Governor, upon which occasion Sir Henry Young deemed it to be his duty to move Your Excellency to take the proper steps for removing Mr. Justice Menzies from office.

Concurring as I do in the opinion entertained by Mr. Porter and Mr. Field, that the extract furnished by Mr. Justice Menzies could not, of itself, justify the confident terms which His Honour uses in his letter to Your Excellency respecting the accuracy of his views, previously expressed, as to the legality of the proceedings of the Central Board, it is not unreasonable to assume that His Honour has been strengthened in his views by the opinion of the Judge on that head. Should this prove to be the case, it would enhance in no small degree, the difficulty of the Commissioners of the Board to defend themselves in the Supreme Court against any action which might be brought against them thereon; and, moreover, it will be for Your Excellency to consider whether, in such a case, it is fitting in a Judge to express an opinion, in any manner, upon any matter, of which there is the remotest prospect of its being brought judicially before him.

I have, &c.,

JOHN MONTAGU.

Uitenhage, 6th October, 1843.

The Hon'ble JOHN MONTAGU, Esq.

MY DEAR SIR,—I avail myself of a very few spare minutes, before starting for Sunday's River, to bring under your notice some difficulties which appear to me to stand in the way of the working of your proposed system.

I believe that if the present convicts were placed in large bodies on the roads without guards and physical coercion, and although nothing more



disagreeable was required of them than that species of healthy exercise at present miscalled *hard labour*, one-half of them would desert within the first month, and that if what you and I would call moderate hard labour, but which they would consider excessively severe labour, were enforced, a great majority of the remainder would desert before the end of the second month.

That the flightiness of mind and incapacity to look forward to anything at a distance of the coloured convicts, will prevent mere moral and religious restraint, and promised rewards after a lapse of time, from producing any considerable effect in rendering them more industrious; and therefore, that to carry out a system of stricter convict discipline than the present, guards and coercion are indispensably necessary.

I have not been able to see how the convicts can be fed, clothed, lodged, and watched in temporary buildings on the roads, with fewer, I admit, but more expensive superintendents, even supposing guards can be dispensed with, at less expense than they are at present. You have so much better information, however, than I can possibly have, that I express this doubt with great diffidence.

The nature of the country gives them every facility to escape, and to avoid being retaken. Every convict who escapes will kill a sheep or an ox, or break open a store-house or mill, within 24 hours after he has effected his escape. The nature of the country renders the efficient collection of tolls very difficult. I repeat my doubts of your being able *generally* to procure materials for good working local Boards.

Before introducing so new, extensive, and complicated a system, which there might be some difficulty in getting rid of, even if found to work ill, I would suggest that 50 or 60 of the very best and most trustworthy of the convicts throughout the whole colony should be selected and placed in a body, for the next six months, on the main road between Cape Town and Swellendam, under the control of the Surveyor-General, and superintendence of some skilful proper person, and endeavours made gradually to dispense with guards and trust to moral restraint. This would cause very little additional expense, if any.

No great expenditure should be made, even on the main roads, until the line has been carefully surveyed by a skilful engineer.

One such engineer would do more good than all the local Boards in the colony, provided his time and attention be *devoted exclusively* to the roads. Without such a survey, a great part of any expenditure which may at present be made on the roads will ultimately be found to be thrown away.

I have given you a capital batch of convicts here. Everything has gone on smoothly this circuit.

I have observed that the diminution in the number of coloured persons in the country districts, not being Kafirs or Fingoes, continues to go on even at a greater rate than it has been doing for the last six years.

I like the new line of road I took from Somerset here very much. I have not hitherto lengthened my journey by my new route. May I request you will be so good as to forward the enclosed to their respective destinations. Not knowing whether Musgrave has been gazetted, I have addressed him as formerly.

Believe me, &c.,

W. MENZIES.

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Colonial Office, Cape Town, 11th November, 1843.

DR. STANGER.

SIR,—His Excellency the Governor has been pleased to appoint you to make a running survey of the line of road between Cape Town and Graham's Town, in order to obtain the following objects:—

1. A report on the present state of the roads, and the improvements required for making a road upon which the inland mails may be conveyed on carriages in

the nearest practicable distance, compatible with the demands of the intervening townships or post towns between Cape Town and Graham's Town.

2. A correction of the errors which are supposed to exist in the map of the eastern districts, and which have been shown by Mr. Maclear, the Astronomer Royal, to exist in the western districts of the colony.

3. A report on the rocks and soil through which the road runs.

You will therefore receive the following as your general instructions in the important work you are about to undertake.

As the improvement of the road is the first and most important object of your attention, you will ascertain the comparative quantity of what may be called good and bad road, stating the length of each; and you will be careful to point out those portions which require the greatest quantity of labour expended upon them, in order that those parts may be immediately attended to.

You will also measure the breadth of the rivers, both at flood and low water, stating, as far as you can discover, the greatest height to which the water ever rises, and every other point which appears to you to be of importance, with a view to the building of bridges, &c.

You will observe the mountain passes, to ascertain if any, and what, improvements can be made in them. Also the direction the water runs, taken with regard to the present or any future road which it may appear desirable to you to form.

You will ascertain the perpendicular inclination of the roads over the mountain passes, and at all places where the inclination is worth consideration, in the carriage pull, by taking the angles of elevation or depression with the theodolite, and note the length of the inclination by means of the chain where the distances are short, and estimate them where long.

In the length of the interval, a sufficient approximation may be obtained by the register invented by the late Dr. Wollaston, called trochliometer, or some similar contrivance.

As the bearing of Graham's Town on the horizon of Cape Town appears not to be more than two or three degrees north of east, starting from Cape Town, you will determine the latitude (by astronomical observations) of points at intervals of from 20 to 40 miles, particularly of prominent objects close to the crossings of rivers (where the crossings cannot be seen, noting the distance and bearing of the crossing from the object), and at localities where the path tends from the straight line, abrupt turnings, or where it passes over hills, the length of the intervals to depend mainly on these circumstances. One second of error in the altitudes involves an error of 101 feet only, and as the absolute latitudes are not of so much importance as their differences, in the use that is to be made of them for the road line, the constant errors, if any, of the sextant will disappear in the differences.

At the latitude stations you will intersect, with the theodolite, all conspicuous objects; noting the bearings of the detached magnetic needle.

Having reached Graham's Town (or some other important place through which it is determined the road shall pass) you will project all your latitudes on square-ruled paper, the co-ordinates being the latitudes and distances,—in fact, similar to an ordinary nautical traverse. By drawing a line through the latitudes the deflections of the path become palpable, demonstrating the localities for re-examination on your way back.

With a view to ascertain if the character of the ground will admit of a straighter line, and to facilitate the enquiry, the irregularities may be laid down on an extended scale,—as 1-5th or 1-10th of a mile for each subdivision of the paper, according to circumstances. As there seems to be no doubt that the main road to Graham's Town must pass over the Cradock's Kloof, a party of 100 convicts has been ordered to work there; and it is, therefore, very important that you should lay out the line for their work as speedily as practicable, otherwise they will shortly be idle and unemployed.

Having disposed of the road, the latitudes of other points in the districts you will undertake, intersecting from each station any prominent object, as the tops of

mountains, or other features worthy of attention, keeping in mind that the value of result will increase with the number of stations, but generally the principal latitude stations need not be nearer to each other than 50 or 60 miles, unless localities of colonial importance intervene; and where practicable, the principal stations should be visible from each other.

You will determine the differences in longitude by a line of signals, selecting the signal stations from the latitude stations. The signals may be made by flashing small quantities of gunpowder in the night, or in the day-time by reflectors, such as are employed in the arc of the meridian, or by a method requiring less personal scientific force, viz., by means of five or six chronometers conveyed from station to station.

This, being an entirely independent operation, may be judiciously undertaken by itself, after you shall have reported on the beforementioned subjects.

You will also direct your attention to the character of the rocks and soils over which you pass, not only with the important object of obtaining materials for road-making and mending, and information on the comparative value and facility with which those materials may be obtained, but also with the object of extending our knowledge of the geology and agriculture of the colony.

As it is desirable to obtain a report on the abovenamed subjects at as early a period as possible, consistently with the well performance of the work, you will leave all those points not directly connected with the improvement of the road, and which may require some delay, until your return from Graham's Town.

As it is impossible to give you full instructions, bearing on every part of your duty, you are to understand you will be expected to report, with as little delay as possible, and from time to time, on all subjects which have any relation to the great question of the improvement of the roads.

For the accomplishment of the above objects, you will be provided with assistance from the Surveyor-General's office, with the means of transport for yourself, instruments, attendants, and equipments, and a government order to render you any further assistance you may require. The Surveyor-General will also be instructed to furnish you with every information his office possesses respecting the line of road alluded to, and to afford you every aid and facility in his power in performing those duties, and you can correspond with him direct upon any points which relate to their execution.

For the performance of this work, His Excellency has been pleased to grant you an allowance of one guinea per diem from this date, and the expense incurred for transport, attendants, &c., will also be defrayed by the Government; but you must understand that your personal travelling expenses are to be borne by yourself.

I have, &c.,

JOHN MONTAGU.

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#### MINUTE.

Graham's Town, October 29, 1847, 2 a.m.

I considered it to be my duty to refer the letter which I had received, of the 6th inst., with its accompanying extract of one sent to His Honour the Lieutenant-Governor by Mr Justice Menzies, to two of the Hon'ble Members of the Executive Council, who were then at Graham's Town on duty; and I afterwards forwarded the papers to Cape Town, to be submitted to the Executive Councils and to be sent to the Central Board of Road Commissioners, for their sentiment, upon them.

I have now received these papers back, with the following additions:—

1. A minute of the Executive Council, dated the 21st instant.
2. A letter to my address from the Hon'ble the Secretary to Government.



3. A private letter addressed on the 6th October, 1843, by Mr. Menzies to Mr. Montagu.

4. A copy of the instructions issued on the 11th of November, 1843, to Dr. Stanger, regarding the survey of the great road between Cape Town and Graham's Town.

5. A report of the Central Board of Road Commissioners, dated at Cape Town on the 20th instant, remarking on the papers which had been sent to them by my desire.

Even did my other pressing duties allow of my entering into a critical examination and analysis of the above described five documents, it would be superfluous for me to do so. I have perused them with great attention, and I trust under the most impartial feelings, and anxiety to form a correct conclusion upon them; and, with this avowal, I cannot hesitate for one moment to place on record my full and unqualified official concurrence in the sentiments expressed by the Hon'ble the Executive Council, by the Secretary to Government, and by the members of the Central Board of Road Commissioners, through the medium of their secretary.

I deeply regret to feel myself called on to speak in such decided terms of the proceedings of a gentleman filling the high station of one of the judges of the colony. But Mr. Justice Menzies has originated and invited this discussion, and I should fail in the public trust reposed in me were I to shrink from declaring that I can discover no sufficient cause for the course he has adopted. I differ so entirely from the theory which he proposes in his "Extract," that I did not even think it necessary to notice it in my first minute of the 7th instant, appended to the Lieutenant-Governor's letter; and I therefore contented myself with meeting what I conceived to be his legal (and, as I then believed, official) opinion as to the proper interpretation of the ordinance; but when I now find that that opinion was extra-judicial, that it was communicated in a private form, that it neither was intended to be, nor has been hitherto, laid before the head of the Government, and that it was coupled with further opinions (as shown in Mr. Menzies' note to Mr. Montagu of the 6th of October, 1843), all of which have been proved to have been erroneous to a degree that could hardly have been hoped for,—I am reluctantly compelled to admit that I can see no motive which Mr. Justice Menzies could have had, but that of agitating an unpleasant and fruitless discussion, which had—for the present, at least—been disposed of by those whose province it was to act as they had done.

I intend to forward the whole of the papers again to His Honour the Lieutenant-Governor, in order that he may add any remarks he may think fit, and I shall afterwards transmit them to Cape Town to be printed, preparatory to their being submitted to the Right Hon'ble the Secretary of State.

HENRY POTTINGER.

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#### MEMORANDUM.

Friday Morning, 29th October, 2 a.m.

I have just finished these papers, and beg to forward them for the perusal of His Honour the Lieutenant-Governor, with a request that he will return them in time to go by the mail of to-morrow to Cape Town.

HENRY POTTINGER.

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Perused.

H. E. F. YOUNG.

29th October, 1847.

Colonial Office, Cape Town, 9th December, 1847.

The Honourable Mr. Justice MENZIES.

SIR,—A despatch from the Right Honourable Sir Henry Pottinger to Earl Grey, dated the 27th ultimo, was received this day from Graham's Town, and has been laid before His Excellency the Administrator of the Government. That despatch contains a printed correspondence respecting the separation of the governments of the eastern and western provinces; and as that printed document contains some correspondence relative to yourself, I am instructed to transmit a copy of it for your information.

I have, &c.,

JOHN MONTAGU.

Chambers, 22nd December, 1847.

The Honourable JOHN MONTAGU, Esq.,  
&c. &c. &c.

SIR,—I have the honour herewith to transmit to you a letter of this date, addressed by me to His Excellency Sir Harry Smith, with its appendix, which I request you will have the goodness to forward to him, by the post of to-morrow.

To prevent any cause of delay in the Colonial Office, I enclose a duplicate of that letter and its appendix, and request you will be so good as to inform me by what post my letter is forwarded.

I have, &c.,

W. MENZIES.

Colonial Office, Cape Town, 23rd December, 1847.

The Hon'ble Mr. Justice MENZIES, Senior Puisne Judge.

SIR,—I have the honour to acknowledge the receipt of your letter of yesterday's date, enclosing a communication addressed by you to His Excellency Sir Harry Smith; and, with reference thereto, I beg to acquaint you that it will be forwarded to His Excellency, together with its appendix, by this day's post.

I have, &c.,

JOHN MONTAGU.

Cape Town, 22nd December, 1847.

His Excellency Lieutenant-General Sir HARRY SMITH, G.C.B.,  
Administrator of the Government of the colony.

SIR,—I have the honour to inform Your Excellency that, on the 10th instant, I received the following letter:—

Colonial Office, Cape Town, 9th December, 1847.

The Honourable Mr. Justice MENZIES.

SIR,—A despatch from the Right Honourable Sir Henry Pottinger to Earl Grey, dated the 27th ultimo, was received this day from Graham's Town, and has been laid before His Excellency the Administrator of the Government. That despatch contains a printed correspondence respecting the separation of the governments of the eastern and western provinces; and as that printed document contains some correspondence relative to yourself, I am instructed to transmit a copy of it for your information.

I have, &c.,

(Signed)

JOHN MONTAGU.

I received at the same time a copy of the printed document referred to in the letter.

On examining this document, I find the correspondence relative to myself is contained in pages 115 to 128, both inclusive.

The document of most importance to me, is the minute by Sir Henry Pottinger, dated 29th October, 1847, in which, with reference to my having, on the 6th October last, given an extract of a letter from me to Mr. Montagu, dated 22nd December, 1843, to Sir H. Young, with permission to make any use of it that might seem to him proper, Sir Henry Pottinger states that he feels it to be his duty to declare that he can discover no sufficient cause for the course I had adopted,—that he considers the opinion given by me in the said extract, and other opinions given by me in a private note to Mr. Montagu, dated the 6th October, 1843, to have been proved to have been erroneous to a degree that could hardly have been hoped for,—and that he could see no motive which I could have had, but that of agitating an unpleasant and fruitless discussion, which had, for the present at least, been disposed of by those whose province it was to act as they have done.

Had not this minute been printed with the other documents connected with it, and made part of the enclosures of a despatch from Sir H. Pottinger, as Governor of this colony, to the Secretary of State for the Colonies, I should not have deemed it necessary now to take any notice of it.

But, under these circumstances, I feel compelled to avail myself of the opportunity which Your Excellency has kindly afforded me, to place on record that explanation and defence of my conduct and motives, which, I humbly submit, Sir Henry Pottinger was in justice bound to have put it in my power to give to him, before he condemned me on charges of the very existence of which I was left in ignorance, and still more, before he transmitted to the Secretary of State, without any previous communication of it to me, so marked and decided an expression of his censure and disapprobation of my conduct.

As it is evident, from the terms of this minute, more especially when contrasted with those of his previous minute dated 7th October, 1847, that Sir H. Pottinger was led to the decision to which he came, solely from believing that all the statements of fact contained in Mr. Montagu's letter to him, dated 19th October, 1847, were accurate, all his insinuations against me well founded, and all his conclusions sound, I shall abstain from any further remarks on the minute of the 29th October, 1847, and proceed to submit to Your Excellency, as briefly as possible, the necessary comments and observations on that letter of Mr. Montagu.

For many years before Mr. Montagu's arrival in this colony, I had taken a very warm interest in the improvement of the roads of this colony, as might very naturally be expected, seeing that, as circuit judge, I was obliged to spend a period of 10 or 11 consecutive weeks once in every 18, and more frequently once in every 12 months, in travelling round the whole colony. I had been frequently consulted on the subject of the improvement of the roads by Sir Lowry Cole and Sir George Napier, and their Secretaries to Government, Major-General Bell and Mr. Craig, and had thus been led to believe that there was no subject to which I could more innocently, and without violation of my duty as a judge, devote my attention and exertions than the improvement of the roads of this colony.

After Mr. Montagu's arrival here, seeing the zeal and energy with which he applied himself to devising measures for establishing an improved system of convict discipline and the administration of public roads, I gladly entered into such casual conversations with him on those topics as, in consequence of our then familiar intercourse, occasionally occurred. These conversations were not in any way official, or were considered by either of us as being so. But they must have satisfied him that nobody could be more anxious than I was, that the schemes for these purposes which he had in preparation might prove successful, and that I would gladly, whenever required by him, give him every information and assistance in my power.

On the 14th September, 1843, the Governor laid on the table of the Legislative Council, together with other documents and reports explanatory of the measures which were to be proposed for the amelioration of convict discipline, and the improvement of the roads, a report drawn by Mr. Montagu, dated 11th September, 1843.

This document was published in the *Cape Town Mail* of the 16th September, 1843, which reached me (then on circuit) at Uitenhage, early in October.

Having carefully read Mr. Montagu's report, I observed in it the following passage :—

“As uniformity of employment, discipline, and management of the road parties, is very important, a code of regulations should be framed for them without delay. Control of the convicts by physical force is out of the question, even if it were desirable. The regulations should therefore be based upon the principle of inducements to good conduct and reform, through the instrumentality of religious and moral instruction, and through a consistent and uniform course of moral discipline.”

In other passages of this report, I found mention made of superintendents and overseers, but, from beginning to end of it, I found no mention made of guards, watchmen, or any other class of persons, by whom the convicts were to be prevented from running away, nor of any means for the restraint or confinement of the persons of any of the convicts. It therefore occurred to me that Mr. Montagu must either have intended (which I thought highly improbable) to leave the convicts without guards or physical coercion of any kind, or that he had omitted to mention and take into account these, among the other details of his plan.

In order to bring to *his* notice, for his own private consideration, this and some other difficulties, which appeared to me to stand in the way of the working of his proposed system, I wrote to him my private and unofficial letter of the 6th October, 1843.

On the 20th November, after my return from circuit, the bill, which is now in substance the ordinance No. 8, 1843, and which had then been read a second time, having, in the usual form, been referred to the judges for their certificate that, if passed, there would be no legal impediment to its execution by the colonial tribunals, it became my duty to make myself thoroughly acquainted with its provisions. It then appeared to me, for the reasons afterwards stated in my letter to Mr. Montagu of the 22nd December, 1843, that its provisions enacting *that the proceeds of every assessment for road rates, in any particular division, shall be applied wholly and exclusively to the construction and improvement of the roads lying and being in that division, and not otherwise*, and that the existing divisions of the colony should be the divisions for the purposes of the ordinance, were inexpedient, and calculated in some instances to occasion injustice in the assessment of rates.

In the course of a casual conversation with Mr. Montagu, on the 20th or 21st November, I mentioned these opinions, and I thought (erroneously, as it afterwards turned out) that they had made some impression on him.

On the 22nd November, I was present, as one of the audience, in the Legislative Council when the road bill was recommitted, and finding that no alterations were proposed in the abovementioned provisions, I requested Mr. Montagu to come with me out of Council into the ante-room, and there strongly urged on him the expediency of then introducing a clause, giving the Governor the power by proclamation of, from time to time, dividing the colony for the purposes of the road ordinance into any divisions or districts he might think fit.

Mr. Montagu stated that the bill had been so much delayed already, and he was so anxious to get it into immediate operation, that he was unwilling then to propose any amendment, which might occasion further discussion and delay, but that most probably the ordinance would be found to require amendment in some of its details, and that the amendment I proposed might then be introduced, if it were then considered expedient to do so.

The bill was then read a third time and passed. I went from the Council with Sir George Napier and Mr. Montagu to the Colonial Office, when, in Mr. Montagu's presence, I said to the Governor that he had that day carried two very important measures, the one for the regulation of convict discipline, which I considered one of the most beneficial measures which had been introduced in my time; the other for the improvement of the roads, which, in consequence of defects in its machinery and details, I thought would prove partly impracticable and partly unjust, inasmuch as it would not enable persons to be rated for purposes for which, under the spirit of the ordinance, they ought to be rated,—and unjust, in causing parties to be rated for purposes for which, in justice, they ought not to be compelled to contribute.

Sir George appearing not to understand to what I alluded, Mr. Montagu explained to him what I meant. The subject was then dropped.

The conversation I had had with Mr. Montagu in the Council ante-room, left me in the belief that Mr. Montagu thought the question as to the amendments I had proposed, one which was open for further discussion and consideration.

On the 22nd December, 1843, I wrote to Mr. Montagu my letter of that date, the extract of which I gave in October last to Sir H. Young.

I annex a full copy of that letter. It will be seen that, in that part of it which forms the extract, I gave the reasons and arguments which had induced me to object to the ordinance and propose to amend it, and which I had not previously had an opportunity of stating fully to Mr. Montagu, either verbally or in writing.

I am glad to be able to concur with Mr. Montagu in one point respecting this letter, namely, that it was an *unofficial, friendly, private* letter, written not by the Judge to the Secretary to Government, but to Mr. John Montagu by Mr. William Menzies. It was as much private and unofficial as if, at its date, I had been an advocate at the Cape bar, and Mr. Montagu an unofficial member of the Road Board.

Mr. Montagu is in error when he represents me as having, to Sir H. Young, designated the extract as being one of an *official* letter from Mr. Justice Menzies to him as Secretary to Government. The last paragraph of the extract rendered it impossible for Sir H. Young for an instant to believe that it was anything but a private letter. The parties, by and to whom the letter was written, were merely described in the heading of the extract by their usual designations.

In his letter to Sir H. Pottinger, Mr. Montagu says:—"Mr. Menzies' letter of 22nd December, 1843, must, I conceive, have been written to me in reply to my informing him of Dr. Stanger's employment, as I can recollect no other circumstance to account for it."

On the 16th December I had had a long conversation with Mr. Montagu on the subject of roads and convict discipline, and on some day between the 16th and 22nd December, Mr. Montagu sent to me a written copy of Dr. Stanger's instructions (now in my possession) and the draft of the proposed convict regulations, with a note, requesting me to favour him with any observations and suggestions which might occur to me thereon. The last paragraph of the extract ought to have recalled this fact to Mr. Montagu's recollection. I cannot now find this note, but fortunately Mr. Montagu's letter of the 23rd December, 1843, shows what its contents were, for in that letter he says, "I hope you will favour me with your remarks upon the convict regulations," &c. "The regulations, *like Dr. Stanger's instructions*, were sent to you by me," &c. &c.

The purpose for which Dr. Stanger's instructions were sent to me, is also proved by the first paragraph of my letter of the 22nd December, 1843.

In his letter to Sir H. Pottinger, Mr. Montagu further writes,— "I destroyed it (the letter of the 22nd December, 1843,) shortly after I perused it," &c. &c. "I confess that his letter *PROVOKED ME*, and that I destroyed it *PERHAPS IN WARMTH*. From his long residence and experience in the colony, I certainly expected to obtain from him some useful information,—some practical hints,—some observations above common place. But on every occasion he attempted it, he disappointed



me, and his letter of 22nd December CONCLUDED HIM IN MY ESTIMATION." He then adds that certain opinions expressed in my letter of the 6th October, 1843, "evinced to my mind such small knowledge of human nature, as to leave me an unfavourable opinion of his judgment," &c. "My opinion was equally unfavourable in regard to his penetration," &c. &c. "These unfavourable opinions were followed by the letter of the 22nd December," &c. &c., after which "all respect for his views and knowledge of such subjects entirely vanished."

So writes Mr. Montagu to Sir H. Pottinger in 1847, but in his autograph letter of the 23rd December, 1843, in reply to mine of the 22nd December, he thus wrote to me:—

"MY DEAR SIR,—Your observations upon Dr. Stanger's instructions I have read *with much attention and* INTEREST, and thank you for the trouble you have so kindly taken. I hope you will soon favour me with your remarks upon the convict regulations, AS I AM ONLY WAITING FOR THEM TO COMPLETE THE CODE," &c. &c.

On the 26th December, 1843, I wrote to Mr. Montagu a letter containing the suggestions which had occurred to me after a consideration of the convict regulations; and, with one exception, all my suggestions were adopted, and now form part of the convict regulations at present in force.

On the 27th December, 1843, I had a conversation with Mr. Montagu on the same subject, in consequence of which I wrote to him on the 29th December a letter enclosing a draft of certain clauses to be inserted in the ordinance which it was proposed to pass—"For the discipline and safe custody of the convicts employed on the public roads;" which draft clauses now form, almost *totidem verbis*, the 1st, 2nd, 3rd, and 5th clauses of Ordinance No. 7, 1844.

I do not think it convenient to overload the appendix to this letter, by inserting in it the correspondence and other documents relative to the convict regulations; but I have them in readiness to be produced when required.

I have the most distinct recollection of having, on one occasion, a few days after the opening of the Montagu Bridge, had a casual conversation with Mr. Montagu on the expediency of amending the ordinance in the manner proposed by me, but apparently produced no change in his opinion.

From that time until August last, I saw no opportunity for renewing, with any prospect of success, my endeavours to procure an amendment of the ordinance. But I have, during the years 1844-5-6 and 7, repeatedly in conversation endeavoured to impress on the minds of two of the members of the Central Road Board, with whom I am in habits of constant and friendly intimacy, the personal responsibility they were incurring by levying rates in some districts to a greater amount than that for which it was, according to the letter of the road ordinance, in its present form, lawful to assess those districts.

I had no information as to the nature of the discussion which, in June and July last, took place between the Lieutenant-Governor and the Central Road Board, except what I obtained from the newspapers, and I paid little or no attention to it, until all the documents connected with that discussion were published by the Governor in the *Government Gazette* of the 6th August, for general information.

From them I learnt that the next work to which the Central Board intended to direct their resources, was the Zuurberg Pass, immediately connecting the districts of Somerset and Uitenhage, and belonging to an important trunk line, connecting the districts of Somerset, Cradock, Graaff-Reinet, and Colesberg, with Port Elizabeth, and from the formation of which these four districts will, as the Central Board have most truly remarked, in their letter of the 12th July, 1847, receive incalculable benefits; more especially if a bridge be built across the Sunday River, to connect the Zuurberg line of road with the great roads from that river to the towns of Uitenhage and Port Elizabeth.

From these documents I also learnt that the Lieutenant-Governor was most anxious to erect a bridge over the Great Fish River, a work which would be most beneficial to the districts of Colesberg and Cradock, and, with reference to military operations on their northern frontiers, of the greatest importance to the colony.



These four districts, and that of Uitenhage, are the divisions of the colony to which the enactments of the road ordinance, which I have objected to, and seek to have amended, will prove most injurious; and the Zuurberg Pass and its line of road, and the bridges over the Sunday and Great Fish Rivers are the works, to the complete and satisfactory execution of which those enactments oppose the greatest obstacles.

As the state of those divisions and the circumstances connected with those works, afford me the best means of illustrating the nature of my objections to the ordinance, and of the amendments which I propose, I shall here give the explanation required.

I may, however, premise by distinctly declaring that I entirely concur, as I have always done, with the opinion of Sir H. Pottinger, the Attorney-General, and the Central Road Board, that it is perfectly legal and competent for the Central Board, without violating any of the provisions of the road ordinance, to employ any amount of the rate *lawfully* levied by them in any one division, under the provisions of the 20th and 22nd sections of that ordinance, for the purpose of putting the main roads of that division into a good and serviceable state, *TEMPORARILY* in making or improving the main roads of any other division, provided the total amount so levied in the first-mentioned division be ultimately expended by the Central Board in it, by being applied to its own main roads during the continuance of the road ordinance.

I am also of opinion that it was expedient, if not absolutely necessary, that the rates collected in some divisions should be so *temporarily* employed to make the roads of other divisions, because the simultaneous application of the rates levied in each division immediately to the roads of that division would have compelled the Central Board so to fritter away their resources, as to prevent, or at least for years to postpone, the completion by them of any great and expensive work. And because the separation of the convicts into small parties, which would necessarily have been required under such a system, would, if it had not totally sacrificed, have, at least, greatly interrupted and prevented the fair and beneficial working of the system of convict discipline, introduced by Mr. Montagu, to which he is entitled to so great credit, and from which the colony has derived the most important benefits.

But, on the other hand, I maintain it to be equally clear, and so it will be seen to be by any one who will read and consider the provisions of the road ordinance as dispassionately as he would have done on the day on which it was passed, and before the Central Board had pledged or committed themselves to any particular course:—

1st. That the Central Board have no power to levy a single shilling from any division, except that which is given them by the provisions of the 20th and 22nd sections of the road ordinance.

2ndly. That these provisions empower the Board to levy, in any division, only such rates as shall be required, or as, according to a fair calculation, the Board shall deem necessary or expedient for putting the main roads of *that division* into a good and serviceable state.

If the words of the ordinance left any doubt on this point, this doubt would be at once removed by a reference to the resolutions which were moved by Mr. Montagu, seconded by Mr. Porter, and unanimously passed by the Legislative Council, on the 16th October, 1843, to carry which resolutions into effect the road ordinance was afterwards enacted. The 9th resolution is as follows:—“When the probable cost of constructing main roads in each division shall have been estimated by the Central Board, the said Board, after calculating the amount of money to be anticipated from the Council by way of grant, which (upon the principles stated in No. 7) it will be just and practicable to reserve for, and bestow on, each division,—*to be empowered to raise THE DIFFERENCE* by such assessment as aforesaid.”

And 3rdly. That therefore, if the Central Board have levied in any division a greater amount or rate than, according to a fair calculation, is required for putting

the main roads in that division into a good and serviceable state,—although they may have acted *optima fide*, and although they may have in the meantime employed the surplus amount most advantageously for the public good,—they have made such levy without any lawful authority to do so, and that such levy is, consequently, illegal.

The Civil Commissioner of Colesberg, in the report made by him to the Secretary to Government, in obedience to the circular of the 7th July, 1843, estimated that £150 would be sufficient to put all the roads in that district into good order.

So many of the high and public roads of that district have since been, or are intended to be, proclaimed to be branch roads, and, as such, liable to be repaired and improved by the local rates levied by the Divisional Board, that there is left hardly any, if any, public road in that division, which can be proclaimed a main road. It may, therefore, fairly be presumed that £150 will be more than sufficient to put the main roads of Colesberg into a good and serviceable state.

From the rate assessed by the Central Board on this district for 1845, they received £596, which, after deducting the expense of appraising the immoveable property of the district, &c., left in the hands of the Board a net sum of £396.

In addition to this sum, the Central Board, in the abstract appended to their report of the 26th February, 1847, estimate that they will, in 1847, receive from the rates assessed in this division for 1845 and 1847, the further sum of £606, making a total sum received by the Central Board of £852 more than the amount required for, or than can beneficially be expended on, the main roads of this district.

See the Notice published by the Central Board in the *Gazette* of 8th July, 1847.

£	396
	606
£	1002
	150
£	852

Although it may be admitted that this surplus sum has been most honestly and advantageously employed in improving the main roads of the colony, yet it has been levied without any lawful authority, and consequently has been illegally levied.

But, further, all parties admit that this sum of £852, which has been, or is to be, employed *temporarily* in carrying on works in other districts, must, before the road ordinance expires, be expended in the division of Colesberg, by being applied to the main roads lying and being within it. Now how can this surplus sum be beneficially expended on these main roads, seeing that a sum more than sufficient for putting them in a good and serviceable state, viz., £150, has already been provided? What, then, under the present provisions of the road ordinance, can ultimately be lawfully done with this illegally levied surplus of £852.

The districts of Cradock, Somerset, and Graaff-Reinet are all, more or less, in the same situation with Colesberg; and the amounts which have been, or will be, received by the Central Board on account of the 1st and 2nd rates levied from them, will leave in the hands of the Board a very considerable surplus sum, after deducting the amount necessary to put their main roads into a good and serviceable state.

But the provisions of the road ordinance, as they at present stand, produce other injurious consequences.

It has been shown that even by the levy of the second rate of one penny in the pound, a very considerable surplus, after paying the expense of putting all their own main roads into a good and serviceable state, has accrued, or will accrue, in the divisions of Colesberg, Graaff-Reinet, Cradock, and Somerset. By levying a third rate of one penny in the pound from each of these divisions, an aggregate surplus fund, which, I think, cannot be estimated at less than four or five thousand pounds, would be created, without occasioning any undue pressure on their inhabitants; and yet, as the law now stands, no part of this surplus sum can be *permanently* employed in making the Zuurberg line and erecting the Sunday's River bridge, from which, by connecting them with the towns of Uitenhage and Port Elizabeth, they would all derive such great and important benefits (excepting Somerset, in so far as regards that part of the Zuurberg pass within its limits), while the whole expense of making the above line and bridge would be wholly thrown on

the division of Uitenhage, hardly any of whose inhabitants, with the exception of those residing in the towns of Uitenhage and Port Elizabeth, will derive the slightest benefit from the opening of the Zuurberg pass, and a minority of whom only will derive benefit from the erection of the bridge over the Sunday's River, while the state of its own main roads will require a very great expenditure thoroughly to improve and put them in order.

It was to prevent, and is now to remedy, the evils which have just been described, that, in 1843, I proposed, and now propose, to amend the road ordinance, by enacting a clause giving to the Governor such general powers of, by proclamation, dividing the colony, for purposes connected with the improvement of the roads, into such districts as he should from time to time see fit,—as would enable him, *for example*, to proclaim that, for the purposes of the Zuurberg pass and line of road, and the erection of the Sunday's River bridge, the districts of Colesberg, Graaff-Reinet, Cradock, Somerset, and Uitenhage, should form one road district; and further enable him, with the advice of the Executive Council or of the Central Road Board, or enable the latter (if it should be deemed expedient to invest it with that discretionary power) to employ the surplus sums accruing from the four first-mentioned divisions, after putting the main roads lying and being within each into a good and serviceable state, in such proportions as should be fair and equitable, to defraying the expense of the Zuurberg pass and line of road and the Sunday's River bridge, in which, although lying beyond their local limits, they have a greater interest than the inhabitants of any other division have.

It is not for me to decide as to the expediency or in expediency of carrying the above suggestions into effect; but I maintain, with all due submission, that they are suggestions which any gentleman in this colony, no matter what office he holds, may unofficially bring under the notice of the Governor, or Lieutenant-Governor, as the case may be, without thereby either violating any of the duties of his office, or being guilty of any undue interference with the administration of the Executive Government of the colony.

Sincerely believing that my plan would be productive of benefit to the public, I therefore, before leaving Cape Town, on circuit, resolved to endeavour to find an opportunity during my stay in Graham's Town, to bring it under the notice of the Lieutenant-Governor, and through or after him, under the notice of the Governor; and for this purpose I took with me my letter to Mr. Montagu, of the 22nd December, 1843, and in the course of the circuit caused my clerk to make the extract from it afterwards given to Sir H. Young.

The proposition which Mr. Montagu seems to maintain, that because I had given him in writing the opinion I had formed on a public topic, together with the reasons on which it was founded, with liberty to him to make any use of it he thought fit, I was thereby precluded from making, without his permission, any subsequent use of a copy of what I had written to him, is too preposterous to require further remark.

Two other questions have also been raised by Mr. Montagu, viz., why I resolved on making this communication in the first instance to the Lieutenant-Governor, instead of to the Governor, who was equally accessible? and why I remained silent for two months after Sir H. Pottinger's decision had been published in the *Gazette* of the 6th August last?

My answer to these questions is:—On the 4th January, 1844, Lord Stanley, then Secretary of State for the Colonies, addressed a despatch to Sir P. Maitland, containing the following passages:—

“I think that as often as it may be necessary for the Judges to make any reports on the affairs of the eastern districts, they should address them to the Lieutenant-Governor, in order that he may forward them to the Governor. The only effect of disregarding this rule, and of inverting this order of proceeding, by addressing such reports to the Governor in the first instance, would be to impose on him the duty of passing them, for the purpose already mentioned, to the Lieutenant-Governor

"I am, however, far from satisfied of the expediency of the judges making any reports whatever to the Executive Government, on any subject not falling strictly within the range of their judicial duties.

*"I refer, of course, to official and formal reports, not to those private and informal communications, which Judges, in common with any other gentlemen possessing peculiar means of information, may think it desirable to impart to the chief executive authorities."*

"Yet even in cases of this kind, where the intelligence or suggestions to be so conveyed relate to the affairs of the eastern districts, *I think that the Judges ought to address themselves to the Lieutenant-Governor of those districts.*"

This despatch was communicated to the Judges for their guidance.

As matters connected with the working of the road ordinance in the eastern districts were not subjects falling strictly within the range of my judicial duties, I was precluded by this despatch from making any formal or official report on the subject either to the Governor or Lieutenant-Governor, and by it I was directed, in making any private and informal communication on the subject which I might think it desirable to impart to the chief executive authorities, to address myself in the first instance to the Lieutenant-Governor.

The reasons which prevented me from, in August, making to the Lieut.-Governor in writing that communication which I afterwards, in October, made verbally to him in Graham's Town, were—that Sir H. Young's stay in Cape Town, after his arrival in this colony, was so short that I had had no intercourse with him whatever, except being introduced to him in the street; and because, after the proceeding on the part of Sir H. Young with respect to me, to which Mr. Montagu so unnecessarily alludes in his letter, I considered that it would be indelicate, and therefore improper, for me to intrude myself on him in my private capacity, before I knew on what terms he was inclined to receive me in that character.

On the day after my arrival in Graham's Town, I waited on Sir H. Young to pay my respects, as the Judge on circuit, to the Lieutenant-Governor, and was received by him in the most cordial and friendly manner. Next day, the 5th October, I had the honour of meeting him at a large dinner party given by Sir H. Pottinger. In the course of a casual conversation I had with Sir H. Young, in the drawing-room after dinner, the then flooded state of the rivers, and particularly of the Sunday's River, by which all communication with the country beyond it had been cut off for five days, led to the question whether the Central Board ought not to have done more in the way of building bridges than they had done, before commencing so expensive an undertaking as the new road over Cradock's Berg. I then remarked that I thought that the Board, in the late discussions, had not made out so triumphant a case in their favour as they seemed to think; because, although they had shown that it was perfectly lawful for them *temporarily* to expend the rates levied in one division on works carried on within another division, provided they ultimately expended the whole amount of the rate levied on the main roads of the division in which it was levied, yet it had been shown that in some divisions they had levied a greater amount of rate than they were by law authorised to do, namely, more than was required to put the main roads of those divisions in a good and serviceable state. But that I thought that the grievance of which the eastern districts had really to complain was not that this surplus sum had been levied, but that, in consequence of the existing provisions of the road ordinance, this surplus fund could not be lawfully applied to making and improving roads, in the completion and improvement of which the divisions in which the surplus rate had been levied had the deepest interest, merely because those roads were situated beyond the local limits of those divisions; while, in consequence of this restriction, other divisions—as for example, Uitenhage—were unjustly burthened with the whole expense of making roads, from which, although situated within the local limits of their division, the great majority of its inhabitants derived no benefit whatever; and that I considered



it to be most desirable that the ordinance should immediately be amended, so as to prevent the longer continuance of these evils.

I added that I had held this opinion before the ordinance had been made law, and that I had strongly but unsuccessfully pressed it on Mr. Montagu before the ordinance came into operation; that in December, 1843, I had given him in writing a full statement of the reasons on which my opinion was formed, that I had a copy of this letter with me, and that, if he wished, I would give him an extract of that part of it which related to this subject. Sir H. Young said he would be glad to have it. The subject was then dropped. Next morning I sent him the extract in question, with a note stating that I had the honour to enclose therewith the extract of the letter mentioned to him last night, and of which he was at liberty to make any use he thought fit.

On the same day, the 6th October, I received a note, thanking me for having sent him the extract, and adding that, according to my permission, he would use it as corroborating his opinion that the road rates had not hitherto been applied in the eastern districts in the manner required by law. He did not explain in what respect he thought his opinion had been corroborated by the extract, nor in what manner he meant to use it, nor did he tell me that he had communicated it to the Governor, or would do so.

I never saw Sir H. Young again before I left Graham's Town, and I have had no other correspondence with him, directly or indirectly, on that or any other subject. I am in no wise responsible either for Sir H. Young's opinions or his acts.

I only saw Sir H. Pottinger thrice while in Graham's Town,—when I paid my formal visit to him on the day after my arrival,—on the 5th, when I dined at his house,—and on the 10th October, the day before I left Graham's Town, when I called to take leave of him.

I had hoped that, if Sir H. Young had communicated to him the extract, Sir H. Pottinger would, on this last occasion, have introduced the subject to which it related. But he neither told me it had been sent to him, nor made the most remote allusion to the subject. And on my mentioning a proposed legislative alteration in one of the offices of the Supreme Court, that of the High Sheriff, Sir H. Pottinger said, that as he expected Your Excellency would arrive so soon, and was so anxious to bring to a conclusion some important matters, on which he had been for some time, and still was, most busily occupied, he intended to leave all proposed legislative measures for your decision and disposal.

After this remark, it would have been impertinent in me to have requested his attention to a proposed amendment of the road ordinance.

I regret much that, as I was on the spot, Sir H. Pottinger did not ask from me that explanation as to my letter of the 22nd December, 1843, which he sought from Mr. Montagu at Cape Town. Had he done so, the present discussion would never have taken place.

Before concluding, I trust Your Excellency will permit me briefly to show that the opinions expressed by me in my letter to Mr. Montagu of the 6th October, 1843, are not so grossly erroneous as they have been represented.

In that letter, I expressed my belief that if the convicts were placed in large bodies on the roads, and put to moderate hard labour, *without guards and physical coercion*, the majority of them would immediately desert. Mr. Montagu says this opinion is proved to be erroneous, because the convicts have been put in gangs of from 200 to 250. Their work is extremely hard, incessant, and laborious. They are held *without a guard*, and *have been restrained*, excepting the aid of a few indifferent constables, *entirely by the operation of moral and religious principles*, and yet, out of 1200, only 13, having deserted, are still at large.

It is to be wished that Mr. Montagu had specified the total number of deserters.

I readily admit, that at all the stations the convicts have been subjected to a wholesome moral discipline, and have received general education and religious instruction, by which they have been much benefitted and improved.

But in the years 1845, '6 and '7, I visited the convict stations, and went over the whole line of road at Cradock's Berg. I have also repeatedly seen the convict gang at work on the Cape Flats, and on all these occasions I found that the convicts were guarded, both while at work and in the station houses, by a strong party of able-bodied men, armed with muskets loaded with ball, and fixed bayonets, and some of them having also loaded pistols in their belts. I also saw that a considerable proportion of the convicts were worked in chains. I believe I am not far from the truth when I say, that of about 240 convicts at present at Mosterd's Hoek, about 40 are in the chain gang, and that the whole are guarded by about 20 able-bodied men, armed in the manner above described.

Besides, by virtue of the 12th section of Ordinance No. 7, 1844, it is provided that if any convict shall attempt to escape, and shall fly or resist the officer attempting to prevent him, and cannot be apprehended and prevented from escaping by other means than by such officer killing the convict so flying or resisting, such homicide shall be deemed in law to be justifiable homicide.

Under this law, several convicts have been shot, and others fired at and wounded.

The same ordinance, sections 1 and 3, provides that every convict gang shall be under the superintendence of a visiting magistrate, who is empowered, for every flagrant act of disorder or breach of discipline, to order the offender to be placed in solitary confinement for any number of nights not exceeding 24, or in solitary confinement, with or without spare diet, for any uninterrupted period not exceeding 24 days, or to receive personal correction, not exceeding 25 lashes.

I do not know what meaning Mr. Montagu attaches to the words "guards and physical coercion." But keepers armed in the manner above described, chains, death, imprisonment, and flogging, appear to me to constitute "*guards and physical coercion*."

It was with this meaning that I used these words in my letter to Mr. Montagu. So far, therefore, from my opinion having been proved by experience to be erroneous, it has been shown, that the only experiment by which it can be proved to be so has not yet been tried in this colony.

It is also true that I expressed an opinion that every convict who escaped would kill a sheep or an ox, or break open a storehouse or mill, within 24 hours after he had effected his escape.

On almost every circuit before 1843 I had tried one or more convicts, who had escaped from prison, for similar acts of theft, committed either immediately after breaking prison, to supply them with provisions while effecting their escape, or to support them while concealing themselves.

On almost every circuit I also found that one or more prisoners who had been indicted for trial had escaped, and had not been retaken before the sitting of the court. On inquiring as to the circumstances of their escape, I was frequently told by the local authorities that immediately, or soon after, the convict was missed, similar thefts had been discovered to have been committed, and not unfrequently a horse found to be stolen, and that they had no doubt these offences had been committed by the escaped convict, to obtain provisions for his support, or the means of transport to aid him in his escape.

These facts were present to my mind when I wrote to Mr. Montagu. He is, most probably, perfectly accurate in saying that since 1843 only one escaped convict *has been convicted* of a theft committed before he was retaken. But if he means to say that no other convict who has escaped, and who has not been retaken for some months, or weeks, or even days, after his escape, did, during the time he was at large, commit a theft, he asserts what he has no means of knowing. For every one acquainted with the people of this colony knows that no boer, unless when he has apprehended the offender, or got some clue to him, which, with the assistance of the officers of justice, is likely to lead to his apprehension, ever thinks of reporting to the local authorities the theft of a sheep, or even of an ox (I do not allude to real or supposed Kafir depredations), or that his store or mill



has been broken open, and provisions or flour stolen therefrom. Hundreds of such thefts occur yearly, which are never heard of.\*

It is also true that I expressed a doubt whether convicts could be fed, clothed, lodged, *and watched in temporary buildings on the roads*, at less expense than under the former system in the gaols. But I submit that I might entertain a doubt on this subject, expressed with so much diffidence as it was, without prejudice to my penetration; more especially as even Mr. Montagu, with his so much better information and long experience in a penal settlement, seems to have been unable quite to make up his mind on the same subject;—for in his report, dated 11th September, 1843, he stated—

“The third head for report is *on the difference of expense between the old and new system*.”

“The report on this head has occasioned me very great labour, which has not produced a result quite satisfactory to my own mind.”

It would be quite out of place here to enter into any discussion of the opinions expressed either by the members of the Executive Council or the Central Board, on my proposed amendments.

The apparent difference in our opinions is more in words than in substance, and has chiefly proceeded from their applying a different meaning to my words than that I intended they should bear. When they are sufficiently informed as to what my plan really is, they will see that the new districts, which I proposed the Governor should have the power of creating, were neither to have been made up of bits or scraps of old divisions, nor to have been limited to single field-cornetries.

I have now laid my case fully before Your Excellency, to be disposed of as your sense of justice and judgment shall direct you. I take the liberty of making only one request—namely, that, if it should still be thought necessary or expedient to transmit to Earl Grey, with Sir H. Pottinger’s despatch of the 27th ultimo, the documents contained in pages 115 to 128, both inclusive, of the printed correspondence, or to make them in any manner public, Your Excellency will have the goodness to direct this letter and its appendix to be printed in the same form, and appended to, transmitted, and published along with that correspondence.

I have, &c.,

W. MENZIES.

*Appendix to Mr. Justice MENZIES’ Letter of 22nd December, 1847, to His Excellency Sir HARRY SMITH, G.C.B., &c. &c.*

No. 1.

Sea Point, 22nd December, 1843.

The Honourable JOHN MONTAGU, Esq.

MY DEAR SIR,—I have carefully perused Dr. Stanger’s instructions, which are so comprehensive and minute, that the following are the only observations which I have to make respecting them.

On page 5th it is stated, that “as there seems to be no doubt that the main road to Graham’s Town *must pass over the Cradock’s Kloof*, a party of 100 convicts has been ordered to work there; and it is therefore very important that you should lay out the line for their work as speedily as possible.”

I understand that the line here referred to is the new line surveyed by Col. Michell some years ago, with which I am not acquainted, but to which, if the great post road is to pass over Cradock’s Berg, I am not aware that any objection can be made. I believe, however, that it is one, the completion of which will require a very considerable expenditure, both of convict labour and of money.

\* Mr. Montagu does not state how he supposes escaped convicts supply themselves with food, when they have secreted themselves, or are in the course of skulking far away.

If I recollect right, you, on Saturday, mentioned that you contemplated the employment on it of 200 convicts for at least 18 months. Before commencing so important and expensive an undertaking, it ought to be well considered whether there is no other line of road which would possess equal advantages as a main road between Cape Town and Graham's Town, and *afford greater advantages to the district of George*, and which could be made by the same or a smaller expenditure of money and labour.

You mentioned to me on Saturday the reasons which had led to the line over Cradock's Berg being adopted in preference to that by Attaquas Kloof; and, considering all the circumstances, I see no grounds for questioning the propriety and expediency of that decision.

By the money and labour expended on it, Attaquas Kloof has been much improved; and I presume that, whatever other line may be adopted for the great post road, it will be kept in repair. If so, it will always be the road by which by far the greatest portion of the produce of the district of George, which is shipped at Mossel Bay, will be conveyed thither. A very inconsiderable portion of any of such produce will be conveyed to Mossel Bay over Cradock's Berg. The same observation will, I believe, apply to the produce of the district, whatever its amount may be, which is transported to Cape Town, or any part of the districts west of the Gouritz. The only inhabitants of the district of George who will derive benefit from the new line over Cradock's Berg, will be the inhabitants of the village of George, and the owners of an inconsiderable number of farms situated near the west end of the Lange Kloof, who find it their interest to take their produce to the market of George, rather than elsewhere.

George is one of the poorest and most insignificant villages in the colony, and its local circumstances hold out no prospect whatever of any improvement in its condition. The supply of produce required to meet the demand of its market is very inconsiderable.

The principal markets for the fertile and productive districts of the division of George are Mossel Bay, the country west of the Gouritz, Cape Town, Albany, Uitenhage, and Port Elizabeth. The road by which produce is conveyed to Albany is altogether distinct from the Lange Kloof road, and runs along a line considerably to the north and east of it; as does also the best and shortest road to Uitenhage and Port Elizabeth; but in dry seasons, the route by the upper end of Lange Kloof and Kromme River must be taken, as there is a want of water on the other route.

A road, the line of which was projected, I believe, by Mr. John Rex, of the Knysna, and which, I understand, has been surveyed and estimated for by Col. Michell, has been proposed from the head of the harbour of the Knysna into the Lange Kloof. (I am not aware of the point at which it enters the Lange Kloof.) The making of this road has been anxiously desired, both by the inhabitants of the interior of the district of George and by some influential merchants of Cape Town. This road would open up the most fertile and productive districts of the division of George, and, in connexion with the road proposed by the inhabitants of Beaufort over the Zwarte Berg into George, the whole of the division of Beaufort to the harbour of the Knysna,—by far the most convenient market for the inhabitants of those districts to obtain their supplies, and to dispose of their produce (except, perhaps, the cattle and sheep of Beaufort).

Were these roads made (and it is believed that they will be the first roads which the inhabitants of those two districts will endeavour to have made, under the provisions of the new ordinance), it is impossible to doubt that a considerable village, if not town, would soon be erected at the Knysna, which possesses wood, water, a good climate, fertile soil—at least for gardening—and abundance of fish. The harbour is the safest, indeed the only safe one, in the colony, and one which, with the assistance of a steam-tug (for the employment of which the abundance and cheapness of wood for fuel affords the greatest facility), could be entered in safety at almost all times by large brigs.

The Knysna, by the present road, is only 60 miles from George, from which it lies almost due east; the line of road is nearly direct, and, on the whole, very level.

The small, but formerly difficult passes of the Trek of the Tow and Kaymans Gat have been made passable without difficulty (at least they were so in May, 1841), and could be much improved at no great expense. The only other obstacles to safe and speedy travelling between George and the Knysna are the Deep River, the Swart River, the Goukama, and the Knysna River. The first three are not wide, run smooth, and it is probable might be rendered at all times passable with ease and safety by causeways, bridges, or floating ponts. (The Goukama, especially, seems well adapted for a pont.)

I have not crossed the river Knysna since 1830, and do not recollect the nature of the ford.

Under all these circumstances, it has appeared to me well deserving of inquiry, whether an equally good main post road from George to near Avontuur, in the Lange Kloof, as short, or shorter, than that over Cradock's Berg, cannot be made by the same expenditure of labour and money required to make the new line over Cradock's Berg, and whether the advantages, which the districts of George and Beaufort would derive from the opening up of the road from the Knysna into the Lange Kloof, are not so great in comparison with those which any of the inhabitants of George will derive from the new line over Cradock's Berg, as to justify a greater expenditure of labour and money on it than is required for Cradock's Berg, more especially considering that if the Knysna line is made, it will never be necessary to make the Cradock's Berg line; whereas, although the latter be made, it will sooner or later be necessary to make the Knysna line also.

Two gangs of 100 convicts each could be employed at the opposite ends of the new Knysna line, as separate from each other as at Cradock's Berg. The making of this new line, including the causewaying or bridging of the three rivers first above mentioned (Deep River is not further than 24 miles from the Goukama), would afford permanent occupation for two such gangs for a considerable time. Even the gang most distant from George could be visited by Mr. Moodie (supposing him to be the visiting magistrate) once a month. Mr. Duthie, justice of the peace at the Knysna, formerly lieutenant of the 72nd regiment, and who, in command of a working detachment of that regiment, and, I believe, of convicts, superintended the making of the whole, or nearly the whole, of the new line of road over the Houw Hoek, and, I rather think, part of Sir Lowry's Pass, resides close to the place where the new line from the Knysna commences. His services might be made available as visiting magistrate during the intervals between Mr. Moodie's visits, and would, I am sure, be cheerfully given.

Between Kromme River Height (the boundary between George and Uitenhage) and the Gamtoos, the following are the obstacles to safe and easy travelling:—

1st. About 30 miles of nearly all bad road along the Kromme River, which it crosses three or four times by drifts soon made impassable by heavy rains.

2nd. The ascent from the Kromme River to Essenbosch, up which, in wet weather, a wagon can only be drawn by oxen, and the ascent or descent of which, from its extreme steepness and slipperiness in wet weather, is far from safe even with oxen.

3rd. The drift through Deep River, below Deep River House,—a drift soon rendered dangerous or impassable by heavy rains,—but which can be avoided by taking the upper, but, at present, worse road, less frequently, although sometimes, impassable.

It will require a very considerable expense to alter this line of road so as wholly to remove or materially lessen the inconvenience and danger arising from those obstacles.

On looking at the map, it will be seen that if the main post road should be made to run from George to the Knysna, and from thence to the head of Pletten-

berg's Bay (between the Knysna and Plettenberg's Bay there is a direct and level road), and *could* be made to run from Plettenberg's Bay through the forest of the Zitzikama, and thence, in a line nearly direct, through the Kromme River to Leeuwen Bosch, where it would join the present main road to Uitenhage, not only would the three abovementioned obstacles be avoided, but the distance between George and Leeuwen Bosch would be considerably lessened, as this line of road would be the chord of the arc formed by the present line over Cradock's Berg, past Avontuur, to Leeuwen Bosch.

I am not aware that there is, at present, any road made beyond Plettenberg's Bay, and there is no road through the Zitzikama forest. That it is not impassable, however, is proved by the fact that Colonel Collins, with a party of troops, traversed it about 20 years ago.

After getting through the forest, to the westernmost place where the Fingoes were located, there is a good, level road to Leeuwen Bosch, a distance of about 30 miles, presenting no impediments to speedy and safe travelling, except the passage of the Kromme River, about five miles west of Leeuwen Bosch.

Before commencing any large expenditure on the present line of road, in removing the three obstacles above mentioned, it might be desirable to ascertain the possibility, and what would be the expense, of making a road through the Zitzikama forest, and securing a safe passage across the Kromme River, near Leeuwen Bosch.

The Zitzikama forest belongs to Government, and is at present valueless from want of access. Were a good road made through it, it is not unlikely that a demand might arise for the land composing that district.

The opening of this road from Plettenberg's Bay to Leeuwen Bosch would not, to any extent, render it less necessary or expedient to make the road from the Knysna to Lange Kloof.

If it should be found impracticable or inexpedient to make this road through the Zitzikama, there seems to be no other alternative than to adhere to the line through the valley of the Kromme River to Essenbosch, and improving the present road as far as it is susceptible of improvement. It would be very advantageous if a line could be found, which would run along the mountainous bank forming the north-east side of this valley, the whole way from Kromme River Height to Essenbosch, without descending to the level of, much less crossing, the river.

From Essenbosch to Uitenhage, I believe, the shortest road to Uitenhage is the upper one, running through, or near, Major England's place to the drift through the Gamptoos River, near Hankey. If this road could, at a moderate expense, be made a good one,—and the drift at Hankey, or any part of the channel of the river in its immediate neighbourhood, is susceptible of any operations by bridging, causewaying, or establishing a floating pont, which would render the river passable with safety at all times,—not only would the distance to Uitenhage be made shorter than it is by the present road, which crosses the Gamptoos by a pont near its mouth, but the dangerous drift through Diep River would be avoided. And if a good road from Hankey, or wherever in its neighbourhood the Gamptoos River should be crossed, could be made to Uitenhage, without being obstructed by such obstacles as at present exist on the road from the Gamptoos River to Uitenhage, a great advantage would be gained.

This last mentioned road between the Gamptoos River pont and Matjes Fontein, a distance of two hours and forty-five minutes with oxen, is very heavy, passing over steep and uneven ground, and through deep sand. From Matjes Fontein, Uitenhage is approached either by Van Staden's River, or by a recently made road, crossing a deep ravine. From this side the descent to Van Staden's River is down a very steep, rocky hill. The ascent out of it on the other side, although much shorter, is very abrupt.

The dangers and inconvenience of this line of road, and the very great difficulty of improving it, led to the formation, at an expense, I believe, of upwards of



£400, of the road through the ravine, the descent to and ascent from which, more particularly the latter, in coming from Uitenhage, is very steep and difficult at all times, and, after rain, is frequently impassable, from being so slippery. The depth of the ravine and the trees on both sides of the road so shelter it from the sun and wind, that when once thoroughly soaked, it takes a very long time to become dry. I believe it is considered to be a failure.

Before concluding, I have only further to suggest that Dr. Stanger should be instructed to obtain accurate information as to what particular districts, in the great divisions, through which the main road between Cape Town and Graham's Town passes, make use of any, and if so, of what portions of the said main roads, in conveying their produce to their usual market, and what districts make no use whatever of any part of such main road for such purpose; as also what are the markets at which each of such districts generally disposes of its produce and obtains its supplies, and what lines of roads are used in the conveyance of the same.

I understand the principle of the Ordinance No. 8, 1843, to be, that the expense of making and repairing both the main and branch roads in the colony should be defrayed partly by a contribution from the general revenue of the colony, and partly by a contribution raised by assessment on the owners of landed property who will be directly benefitted, or the value of whose properties will be directly increased by the making or repairing those roads, to the expenditure required for which they are respectively called on to contribute.

And that it was for the purpose of carrying this principle fully into effect that the 22nd, 26th, and 47th clauses of the ordinance have been enacted, providing that whenever an assessment on the landed property of any division shall be necessary for making or repairing any main or branch roads in that division, all the landed property in the division (except as is excepted in the 23rd clause) shall be assessed for that purpose, and that the proceeds of every such assessment, in any particular division, *shall be applied WHOLLY AND EXCLUSIVELY to the construction and improvement OF THE ROADS LYING AND BEING IN THAT DIVISION, and not otherwise.*

If it were not contemplated, when the ordinance was passed, that the effect of the provisions of those clauses should be that no landowner should be called on to contribute by such assessment to the construction or improvement of any road from which he did not derive a positive and direct benefit, and that no part of the funds so levied should be expended, except in the construction or improvement of roads, from which those from whom the levy had been made derived a positive and direct benefit, it is difficult to imagine why the provision, as to assessing the several divisions of the colony separately was introduced, and why the rates to be assessed and levied on landed property for their construction should not have been a general one, over the whole colony, the proceeds of which should have been applied by the Government or the general Board for those purposes, in such manner as appeared most expedient.

Accurate information as to the actual local circumstances of this colony will, however, prove that the provisions of the abovementioned clauses will not only fail to produce the effects contemplated, but will actually produce effects directly the reverse of those intended.

For example, there is not one of the great undertakings which have been proposed for the improvement of the roads of the colony, viz. :—Cradoek's Berg, Mosterd's Hoek, Du Toit's Kloof, the construction of a hard road across the flats *in the line* of the main post road between Cape Town and Graham's Town,—the roads from Knysna to Langekloof,—the road from Beaufort over the Zwarteberg into George, which will not be wholly unproductive of any conceivable advantage to many of the landowners whose properties are situated in the divisions in which those undertakings are to be carried on;—nay, which will not in some cases be productive of direct and positive injury to many of such landowners, who have been forced to contribute to the expense of completing them, while in few, or any, of those instances will there be found in the same division any second

undertaking of a similar nature and magnitude, which, if completed at the general expense of the division, will compensate those who have received no advantage from, or been injured by, the completion of the first, for the money they have been obliged to contribute to the first, or for the loss which the first has occasioned to them.

On the other hand, in some of the above cases, it will be found that the landowners of an adjoining division will derive as much advantage as some, and more advantage than many, of the landowners of the division in which the new or improved road has been made, and also, that the local circumstances of those *adjacent* divisions do not afford any opportunity for making any new or improved road in them, which will be productive of any advantage whatever to the landowners of the division at whose expense, exclusively, the road benefitting the landowners of the adjacent division was made and improved.

Thus the making of the new road through Mosterd's Hoek would not only be productive of no advantage whatever to the landowners in the field-cornetries of Worcester, Goudini, Hex River, and the Boschjesveld, but be most injurious to the three first, by preventing the passage through any part of them of all the traffic through and from the interior of the colony by Hex River.

While on the other hand, many of the field-cornetries of Worcester would derive no benefit whatever from the proposed improvement of the road through Hex River and Du Toit's Kloof, and would not be compensated for the amount of the expense contributed by them for that purpose, by the contributions which would be received by the landowners of the field-cornetries above mentioned to the much less expensive operation of making the road through Mosterd's Hoek, if this road and that through Hex River and Du Toit's Kloof should both be made.

The proposed roads from Beaufort, over Zwarteberg, into George, will be productive of benefit solely to the inhabitants of Beaufort, and of none whatever to those of George; yet, as the south side of the Zwarteberg is in the district of George, the landowners of George must, under the present provisions of the ordinance, pay the expense of making the road on the south of the ridge if it shall be considered as a main road.

And if it be considered a branch road, the proposed road, so advantageous to Beaufort, and also beneficial to the merchants of Cape Town, will never be made; because the local Board of George will never assess the landowners of George for making a road of no use or advantage to them, and because, by the provisions of the ordinance, the landowners of Beaufort cannot appropriate any of the funds, levied by assessment on their properties under the ordinance, to making any part of a *branch road, which is not lying or being in the division of Beaufort.*

The very same remarks will apply, and to the same extent, to the projected road over the Zuurberg, which is to afford a direct communication to the division of Somerset, and part of the divisions of Graaff-Reinet and Cradock, with Port Elizabeth, from which the inhabitants of those districts will derive very great advantage, but the landowners of the division of Uitenhage, none; if, as I believe to be the case, the north side of the ridge over which the road is to be made is in the division of Somerset, and the south side in that of Uitenhage.

If it be said,—true it is that the distinction made in the ordinance as to the several divisions does not exactly distribute the expense of making and improving the roads in each among the landowners thereof in proportion to the amount of the benefit derived by them from the several roads, but it is impossible to frame any provisions which will accurately produce this result, and the system established by the ordinance is as near an approximation to the attainment of such accurate proportionment as can be had,—the answer is, this system is not such an approximation, nor even an approximation at all; and the information which it has been above suggested ought to be obtained, will, when obtained and made use of with a sound discretion by the Governor and the Executive Council, or the general Board, and provided the obnoxious clauses of the ordinance are repealed, and amendments introduced in their stead, enable them so to arrange the mode of



assessing the landowners in the several divisions of the colony, as will make the benefit which the landowners of each sub-district or particular locality derive from the construction or improvement of the roads in their neighbourhood, commensurate with the amount of the expense which they are called on to contribute for that purpose.

The inquiry which I have suggested Dr. Stanger ought to be instructed to make, and the facts which the Civil Commissioners might, with advantage, be called on to furnish, both by their own reports and those of their field-cornets on the subject, will produce a mass of statistical information, which cannot fail to be of great use to the general Board in the discharge of its duties.

I consider that your note was written, and Dr. Stanger's instructions communicated to me by you, privately, and not as Secretary to Government or Chairman of the general Board; but you are at perfect liberty to make any use of this letter you think fit. All I stipulate for is, that if any reference to it is made either in the Legislative or Executive Councils, or in the general Board, *a full copy of it* may be submitted to them.

I am, &c.,

(Signed) W. MENZIES.

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#### APPENDIX No. 2.

23rd December, 1843.

The Honourable Mr. Justice MENZIES.

MY DEAR SIR,—Your observations upon Dr. Stanger's instructions I have read with much attention and interest, and thank you for the trouble you have so kindly taken. I hope you will soon favour me with your remarks upon the convict regulations, as I am only waiting for them to complete the code; and, as one party of convicts is formed, I am very anxious to furnish the superintendent with the regulations for his guidance.

You will, I hope, quite understand that the regulations, like Dr. Stanger's instructions, are sent to you by me in my private capacity, and not as Secretary to Government, in order to obtain the benefit of your private remarks, irrespective of your judicial character, if you will permit me so to receive them.

Believe me, &c.,

(Signed) JOHN MONTAGU.

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#### MEMORANDUM.

Colonial Office, Cape Town, 23rd December, 1847.

His Excellency Sir HARRY SMITH, Bt., G.C.B.,  
Administrator of the Government.

In forwarding the accompanying letter from Mr. Justice Menzies, I take leave to submit a few remarks upon those parts of it which allege errors or inaccuracies in my letter to the Right Honourable Sir Henry Pottinger, of the 19th October last.

1st. It must be apparent that in alluding, in that letter, to the contents of Mr. Menzies' letter to me of the 6th October, 1843, I merely intended to show, in general terms, that my convict system had not proved the failure Mr. Menzies had therein foretold that it would be; but that, on the contrary, it had been perfectly successful, even in the very instances he had selected for his prediction.

To understand, properly, the terms used in his note, and my observations upon them, it is necessary to consider them in reference to circumstances as they existed when that note was written, and not as they exist at the present time.

At that time, the old convict system was in operation. The convicts were, for the purposes of restraint and security, kept in chains, and wherever they had been assembled in any considerable numbers,—for instance at Robben Island, Sir Lowry's Pass, the Houw Hoek, &c.,—they were guarded by military.

The remainder, who were dispersed throughout the towns and villages of the colony in small parties (averaging 14 to each), were confined by night in gaols, and were guarded by armed constables and overseers while employed, by day, in repairing streets.

Of those last mentioned, I took over, to commence the new system, about 300, in 1844, and having congregated them in road gangs of 100 to each, I began by abolishing chains in toto, and dispensing, likewise, with military guards.

In my conversations with Mr. Menzies, prior to his letter of October, 1843, he frequently cautioned me not to attempt assembling them in such numbers without having military guards; and just after he went on circuit in September, 1843, Sir G. Napier informed me that Mr. Menzies had strongly advised him not to permit such concentrations of the convicts under the new system to be tried, without military guards; but, upon my assuring Sir George Napier that I felt confident of its success, without the aid of an individual soldier, he allowed me to proceed.

When, therefore, I wrote, in October last, that the convicts were held without a guard, I, of course, only alluded to the guard to which Mr. Menzies had alluded in 1843, namely, a military guard; and when I wrote that the men had been restrained by the operation of moral and religious influences, I alluded to their having been restrained without the aid of chains, by which they had been previously coerced and secured. I never intended to intimate that there were not armed constables to guard the convicts. Nothing in my road and convict report of September, 1843, nor anything I have since said, written, or done, implied an intention of dispensing with constables.

The convict regulations fully provide for such a guard, and the fact of their employment, from the commencement to this time, is notorious. That I could have ever contemplated the entire withdrawal of both constables and soldiers in the new convict system, when using the word guard, which Mr. Menzies ascribes to me, is too preposterous and absurd to require any comment. But, greatly as the constables have improved of late, they have always been, as I designated them, "indifferent."

The average number of constables required for the gangs has been about 45, of whom a third (one watch) are always off duty to sleep and rest.

During the four years the new system has been in operation, no less than 207 persons have been employed in the capacity of constables, so frequently have they been dismissed for drunkenness and misconduct of various kinds. If the safe custody of the convicts had depended upon the constables only, the system could not have existed six months; for, in addition to their unfitness from conduct and character, many of them have, from necessity, been chosen from young men under 19 and 20 years of age, most of them were quite inexperienced in the use of fire-arms. They cannot, for the duty referred to, be termed "able-bodied men."

At the present moment there are, in all, 54 constables; from whom, by deducting a third, there will remain 36 on duty to guard and restrain 532 convicts,—that being the present number in the several gangs. To this date, 1256 convicts have been under the new system, of whom 40 have deserted at different times; many of whom were, at the time of desertion, in the chain-gang. Only twelve deserters are now at large, one having been apprehended since I wrote my letter of October last.

2nd. But Mr. Menzies "saw in the years 1845, 1846, and 1847, that a *considerable proportion* of the convicts were worked in irons." There were none in irons in 1845, until October of that year, but there were throughout 1846 and 1847.

When the new system was commenced (January, 1844), the penal settlement of Robben Island contained about 150 violent refractory convicts,—many of them Kafirs,—and that place was continued as the receptacle for the men of that class and character, whom it was deemed unsafe to introduce into road gangs on the main land. They were also, always, both by day and by night, guarded and restrained by a strong military guard.

My convict system always contemplated the removal to Robben Island of Kafirs and such desperate men. In 1845, it was, however, upon my proposal, decided to break up the penal settlement of Robben Island, and transfer the convicts thereon (and any others of a similar kind who might thereafter be convicted) to chain gangs at the road stations, and also to dispense with the military guard.

A chain gang was, accordingly (in October, 1845) substituted at each road gang for the penal settlement of Robben Island, without the aid of a military guard. But such a measure formed no part of my original system, and to which system alone Mr. Menzies could have referred in his note of October, 1843. Besides this, the addition of chain gangs to road gangs without chains, enabled me to add an additional punishment, or degradation, to the road gang convicts, which I had not previously possessed. The men in the chain gang are, consequently, not all there for restraint. Some—about one-fifth—are placed there for short periods, for discipline purposes only.

The Kafir convicts, upon whose minds, from inadequate knowledge of their language, the instructors have not yet been enabled to establish any moral or religious influences, are *always* placed in chains, and they constitute three-fourths of those gangs.

3rd. Ordinances and regulations for enforcing order and convict discipline, must necessarily exist wherever there are large bodies of convicts assembled. In such assemblies there will always be found some bad and refractory men, requiring their application.

During the four years, the following are all the corporal punishments and extensions of sentences which have been inflicted upon, and distributed amongst, 1256 convicts, under the authority of the ordinance and convict regulations, referred to by Mr. Menzies, namely :—

42 convicts have received, between them, 1958 lashes,

37 have received extension of sentences, viz. :—

- 15 for 2 years,
- 5 for 18 months,
- 11 for 12 months,
- 4 for 6 months,
- 1 for 3 months,
- 1 for 1 month.

Of those whose sentences were extended, 28 received corporal punishment, and are included in the 42 above mentioned. It will thus be seen, that 51 convicts only, out of 1256, have been punished during four years. In addition to the above, two convicts have been shot, and two wounded, after escaping, in resisting their pursuers. All four were Kafirs who broke away together from a chain gang shortly after conviction. No other convicts have been fired at.

4th. The meaning I attach to the words “guards and physical coercion,” as applicable to the state of things when Mr. Menzies wrote his note in October, 1843, does not include chain gangs, nor anything else not then in contemplation, and under that meaning, the experiment of my system, having been fairly tried, Mr. Menzies’ opinion respecting it has been proved to be erroneous.

5th. Mr. Menzies has confounded two matters quite distinct, in his endeavour to show that I was unable quite to make up my own mind upon the subject of the difference of expense between the old and new convict systems. In my letter of October last, I expressed an opinion unfavourable to his penetration, because he could not see how convicts concentrated in large gangs could be fed, clothed, &c.

at less expense than the same numbers had been while dispersed in small parties all over the colony. On this he remarks, that I could not make up my own mind on it, and quotes, in confirmation thereof, from my road and convict report of September, 1843, under the head "On the difference of expense between the old and new system," these words,—“The report on this head has occasioned me very great labour, which has not produced a result quite satisfactory to my own mind.” But if he had but added to his quotation the following paragraph of my report, the inapplicability of his remark would have been obvious. It would have shown, that the result which I deemed not quite satisfactory, related to the difficulty of ascertaining and separating the expense incurred for prisoners in gaols from the expense incurred for convicts.

6th. In my letter to Sir Henry Pottinger it is stated—“From that time (22nd December, 1843) to the present, I believe I have had no further conversation, nor unofficial correspondence with Mr. Menzies upon my system of roads and convicts.”

Mr. Menzies has produced a note of mine to himself, written on the following day (23rd December, 1843) which shows that I was wrong in my belief. But it shows, at the same time, that I was right in my statement respecting the opinion I then formed (and have repeated in my letter to Sir Henry Pottinger) of the effect Mr. Menzies' provisions for a road ordinance produced on my mind. In that note I informed him I had read his letter of 22nd December, 1843, “with attention and interest.” Nothing more. No expression of acquiescence, nor of satisfaction, is to be found in it; and his letter of yesterday proves that I have never since communicated with him, *upon my system of roads and convicts*. It proves, however, that I have done so, upon two or three occasions, *upon convict regulations and the ordinance for the discipline and safe custody of convicts*; and it contains allusions to them likewise. But those communications and allusions were made in a private form, in the first instance, to obtain for me, upon so novel an undertaking, the benefit of Mr. Menzies' co-operation, to remove by such means, more easily than could have been accomplished by formal official letters and communications, whatever objections the judges might entertain to any of the clauses of the convict-discipline ordinance and regulations. For the assistance, advice, and suggestions Mr. Menzies gave me, in that form, upon such legal matters, I have always acknowledged, and still acknowledge myself indebted to him.

Having by his aid completed the convict regulations to my satisfaction, I sent a copy of them to each of the judges of the Supreme Court, for their opinions.

7th. Mr. Menzies states—“Mr. Montagu is in error when he represents me as having, to Sir H. Young, designated the extract as being one of an *official* letter from Mr. Justice Menzies to him as Secretary to Government. The last paragraph of the extract rendered it impossible for Sir H. Young for an instant to believe that it was anything but a private letter. The parties by and to whom the letter was written, were merely described in the heading of the extract by their usual designation.”

I did not represent Mr. Menzies as having designated the extract as being one of an *official* letter,—but “as from Mr. Justice Menzies to me as Secretary to Government.” The extract is thus headed by Mr. Menzies,—“Extract from a letter dated 22nd December, 1843, from Mr. Justice Menzies to the Honourable John Montagu, Esq., Secretary to Government.” It was not entitled to be so described.

Sir H. Young, from that heading, evidently saw nothing improper in considering and treating it as an official letter. He transmitted it officially to Sir H. Pottinger, and requested to have it added to the other official Road Board papers. If Sir H. Young had not considered it official, I should imagine he would have explained, after he had perused my letter of 19th October, his reasons for deeming it to be proper so to use, as he did, a private letter. His own character required it.

The account given of the “after dinner” conversation, and the heading to

the extract, seem to me to have rendered it impossible for Sir H. Young for an instant to believe that it was anything but an official letter.

Sir H. Pottinger never hesitated for an instant so to believe it; and his minute of the 29th October. contains proof of his surprise when he learnt that it was a private letter.

8th. In other parts of Mr. Menzies' letter he appears, by his words and inferences, to have misunderstood expressions in mine of the 19th October. They are not of sufficient importance to require explanations now. They can readily be discovered and understood, by comparing together the passages in the two letters which refer to each other.

JOHN MONTAGU.

Colonial Office, Cape Town, 27th December, 1847.

To the Right Honorable

Sir HENRY POTTINGER, Bart., G.C.B.,

&c. &c. &c.

SIR,—On the 9th instant I wrote, by desire of the Administrator of the Government, to Mr. Justice Menzies, a letter, of which a copy is enclosed, and transmitted with it the book of correspondence therein referred to. His Excellency instructed me, before his departure for the frontier, in case any communication should be received by me from Mr. Justice Menzies on this subject, to furnish you officially with copies of any further papers which might arise thereon; and in obedience to such instruction, I have now the honor to transmit herewith, copy of a letter with its appendix, addressed by Mr. Menzies to His Excellency Sir Harry Smith, dated the 22nd instant, with a memorandum upon it from myself, dated the 23d; also copy of a letter of the 22d, addressed by Mr. Menzies to me, with copy of my reply thereto.

I have, &c.,

JOHN MONTAGU.

Cape Town, 8th January, 1848.

The Right Honourable the Earl GREY,  
Secretary of State.

MY LORD,—Three days after my arrival here from the Eastern Frontier, en route to India, I received from the Honourable the Secretary to Government, an official communication, giving cover, amongst others, to the following documents:—

1st. A copy of a letter addressed on the 22d ultimo to my successor, by Mr. Justice Menzies, the senior puisne judge of the Supreme Court.

2nd. A copy of a memorandum remarking on the above letter, drawn up on the 23d ultimo by the Secretary to Government, and submitted to Sir Harry Smith, who had been pleased to direct that copies of these papers, and any others that might arise from the discussion, should be officially furnished me.

The Judge's letter, your Lordship will observe, has reference to a lengthened discussion which had taken place during my government and that of Sir Henry Fox Young, in the eastern province, on the management of roads in the colony, and the alleged illegality of the proceedings of the Central Road Board.

This discussion had, at one time, taken a very objectionable and inconvenient turn, both as to publicity and form, and was finally closed by my minute of the 26th July last. But Mr. Justice Menzies having, on the 6th October, placed in the hands of the Lieutenant-Governor, an extract from a letter addressed by him to Mr. Montagu on the 22nd December, 1843, of which His Honour was to make any use he thought proper, the discussion was revived, and with it the charge against the Central Road Board, of having administered their trust in violation of the provisions of the road ordinance.



This renewed discussion, of which Mr. Menzies was the sole cause, led to my passing an official disapproval of his proceedings; and thence has sprung the present correspondence.

In the beginning of his letter, Mr. Menzies states that he has felt himself compelled to place on record that explanation and defence of his conduct and motives, which—he holds—I was in justice bound to have put it into his power to give, before I condemned him on charges of which he was ignorant, and still more so, before I transmitted to the Secretary of State so marked an expression of my disapproval of his conduct.

In another paragraph he adds, that from the terms of my minute of the 29th October, compared with that of the 7th, it is evident that I was led to the sentiments I had formed and expressed in the former, solely by the belief that all the statements contained in Mr. Montagu's letter to me, of the 19th October, were accurate,—all his insinuations against him (Mr. Menzies) well founded,—and all his conclusions sound. To these observations I respectfully solicit your Lordship's attention.

In my opinion, they concern both my own public character and that of the administration of the government of this colony whilst under my charge; and on this ground solely do I consider myself justified, after having relinquished that government, in adopting the course I now take, and for which I crave your Lordship's indulgence, in thus addressing you touching a correspondence which, though it had been brought officially under my cognizance, and had received my decision, it more belongs to my successor to advise your Lordship upon.

If, on my present review of this re-agitated discussion, originating in the "extract" furnished by Mr. Justice Menzies to the Lieutenant-Governor, I had seen cause to think that I had done injustice to the judge, by closing the controversy in the manner I had done, your Lordship, I feel assured, will believe that I would not, for an instant, have hesitated to acknowledge my error, with a frankness and candour which a sense of what is due to others ought to elicit, and to have rendered the redress to which Mr. Justice Menzies would have been entitled.

With this impression I have therefore applied myself to a full and careful reconsideration of the whole matter,—anxious to arrive at a proper conclusion, and prepared to modify, or even retract, the censure I had passed, if the truth required it.

This re-consideration I have now accomplished, and I assure your Lordship that I have risen from it under a conviction that the remarks which it was my painful duty to pass on the conduct of the judge, in my minute of the 29th of October, were not uncalled for; and that the course I pursued, in closing for a second time this irritating and useless discussion, was loudly called for under the circumstances of the moment. I may further say that so far from feeling that I have done Mr. Menzies an injustice, I do not even now perceive any other course than the one I took, and which the Judge's procedure had alone left open to me.

The extract which Mr. Menzies had been at the pains to have copied, while travelling, contains a lengthened disquisition on the general principles and provisions of the present road ordinance,—proposes the abrogation of certain clauses,—and illustrates by instances, taken from almost every division of the colony, the evils likely to arise from their operation, as they now exist. Such a document it was competent for Mr. Justice Menzies to have put directly into my hands, in any part of the colony, without the slightest infringement of the instructions from Lord Stanley, quoted by him; and I need not assure your Lordship that I was equally accessible to Mr. Menzies as the Lieutenant-Governor, on any question that affected the public interest; yet though Mr. Menzies acknowledges to have had two interviews with me during his stay in Graham's Town, and though it was in my house that the extract was placed at the disposal of the Lieutenant-Governor, for such use as he might think proper, nothing whatever passed with me, on any of these occasions, touching this subject. I can, therefore, but infer that Mr. Menzies preferred communicating with Sir Henry Young; and thence it appears to me



naturally to follow, that through him only had he any just reason to expect that he should be informed of the opinion I might form, either of the contents of the "extract," or of his own share in the matter.

I afforded Sir Henry Young the best means and opportunity of making any communication to Mr. Menzies he thought proper. I withheld none of the documents for which I had called, and on which my minute of the 29th October was grounded. That minute was likewise forwarded to Sir Henry Young. I, therefore, appeal with confidence to your Lordship, whether I am chargeable with an act of injustice to Mr. Menzies, or whether it was fitting on my part, as head of the Government, to adopt any other course than that which I did.

It is true, that in the explanations which Mr. Menzies has given of the circumstances that induced him to place the "extract" in Sir Henry Young's hands, and not in mine, he quotes that part of Lord Stanley's despatch, of the 4th of January, 1844; which he conceives precluded him from addressing me, even in a private form, on matters referring to the eastern districts; that in another part of his letter he comments, at great length, on the injurious working of clauses of the road ordinance to which he was opposed, in respect especially to the divisions of Uitenhage, Graaff-Reinet, Cradock, and Somerset, all of which are in the eastern province, and that on those grounds, he appears to have considered himself borne out in the course he adopted; but, in taking this line of defence, Mr. Menzies overlooks the fact, that in respect of works already done, or in the course of execution, there are divisions in the western province which have an equal, and perhaps higher claim to be relieved (if relief is to be given to any) from the operation of the clauses in the road ordinance to which he objects; and that thus their repeal, which he had hoped to see brought about, as a purely local measure, through Sir Henry Young, was, in every respect, a measure of general applicability to the whole colony, and not to be confined to the divisions to which he referred, in the eastern province.

Under these circumstances, combined with the fact that the "extract" was furnished to the Lieutenant-Governor, not for any particular avowed purpose, such as the repeal of these clauses, but with an undefined object,—apparently that of reviving discussion on a topic that had already caused me much annoyance and trouble,—and coupled with this additional fact, that he allowed the Lieutenant-Governor to use it for quite a different purpose from that which he now explains, it is as difficult for me to account for the course Mr. Menzies pursued, in bringing his "extract" to the notice of Sir Henry Young, as it has been to discover the exact motives by which he was influenced.

Having thus submitted such remarks to your Lordship, on Mr. Menzies' part in this affair, as appear to me to be necessary to explain the line I took in dealing with the matter, I now solicit your attention to that other paragraph in his letter to Sir Harry Smith, in which he ascribes my decision solely to the influence on my mind of Mr. Montagu's letter to my address, of the 19th October.

In my minute of the 7th of that month, your Lordship will observe that I confined myself chiefly to an expression of my dissent from the views held by the Lieutenant-Governor respecting the administration of roads in the colony,—my unabated confidence in the proceedings of the Central Road Board,—and my confirmed opinion, that by the method it had adopted, in appropriating the rates levied for main roads in the several divisions, both the provisions and purposes of the road ordinance would be satisfactorily and advantageously carried out. Being ignorant, however, of the circumstances which had called forth the letter from Mr. Menzies, of which the "extract" had given rise to this fresh and most inconvenient discussion, I instructed the Secretary to Government, to whom it had been originally addressed, to furnish the necessary explanation; and, in the concluding paragraph I invited the opinions of the Executive Council and of the Central Board.

In my minute of the 29th October, I enumerated five distinct and additional papers, which had been forwarded to me from Cape Town, in order to my final decision on the matter. These documents, whilst they strengthened my former

opinions on the real merits of the question, and thence confirmed the views I had held throughout, respecting the existing system of convict discipline and road administration, placed the subject in a new and very different light from that in which it presented itself to my mind when I drafted my minute of 7th October. Circumstances were disclosed, of the authenticity of which I could have no doubt, which, however unwillingly, compelled me, from a sense of public duty, to animadvert on the interference which Mr. Menzies had volunteered, at a most objectionable time, and in an equally objectionable manner (and from motives for which, I repeat, I cannot yet account); relative to a question purely executive, and which had already been disposed of by those to whose province it belonged, —a question, too, which, I may declare to your Lordship, had notoriously been formed into a handle for adding to the agitation regarding another of a higher stamp, viz., the separation of the government of the eastern from the western province.

The circumstances which were thus disclosed, and which operated on my mind in coming to the decision I did, are now in your Lordship's full possession. They are to be found in the accompanying printed correspondence; and I must respectfully beg your Lordship's perusal of the whole of the documents from page 115 to 128, together with Mr. Menzies' letter and Mr. Montagu's memorandum, appended to it. These two latter, though forming no element in the decision I pronounced in my minute of the 29th October, yet throw much light on the merits of the case, and determine the degree of authenticity due to the statements to which I had given credence;—and, after a full consideration of the whole, I will leave it to your Lordship to say, whether (as Mr. Justice Menzies has endeavoured to show) the censure I unwillingly passed on his conduct in this affair was unmerited, or whether—as I submit—that censure was the fruit of the Judge's own act, and fully warranted by his uncalled-for interference in a question which I had, after full inquiry, disposed of to the best of my ability and judgment,—aided by those whose duty it was to advise and assist me.

In concluding the subject to which this communication refers, I beg to add, that I have perused with great care and attention, the documents which Sir Harry Smith has so kindly placed at my disposal; and, in contrasting them, I was induced to record, for my own satisfaction and guidance in the preparation of this despatch, some notes which appear to me to be of considerable importance as to the general merits of the question, though not so closely related to the subject matter of this letter as would justify their insertion in it. I, however, have revised those notes into a regular shape, and I annex them, in the hope that they will be honoured by your Lordship's perusal, and likewise that they may be of service to your Lordship in considering the highly important topic of the road administration of this colony.

I have only further to state—in case your Lordship should have occasion, or see fit to correspond with my successor on the subject of this letter (which I sincerely lament having felt it necessary to write)—that I shall immediately furnish Sir H. Smith with a copy of it.

I have, &c.,

HENRY POTTINGER.

*Notes on Mr. Justice MENZIES' Letter to Sir HARRY SMITH, and Mr. MONTAGU'S Memorandum.*

Mr. Menzies states, in his letter to Sir Harry Smith, that the document which most concerns him is my minute, dated the 29th October, 1847.

When I commented in that minute on Mr. Menzies' conduct and motives in re-opening a discussion which I had closed, I had before me all the documents touching the question of convict discipline and public roads, from the time when this branch of the public service became a separate department, under Mr.

Montagu's road and convict system, which was established by ordinance at the close of 1843. I have had, consequently, to reconsider the whole matter, so far as respects Mr. Menzies,—and, in doing so, I took up the papers according to dates.

Mr. Menzies' Note  
of 6th October.

This note touches on several points connected with Mr. Montagu's road and convict system, but the only topic referred to in it which has been mixed up with this discussion, is the proposed plan of convict discipline, which, in its principles, was reformatory, and hence opposed to the mode of carrying out a convict's sentence by mere physical coercion. Mr. Menzies offers his opinion, that to carry out a system of stricter convict discipline than what had heretofore prevailed, guards and physical coercion would be indispensably necessary; and expresses his belief that one-half of the convicts would desert by the end of the first month, and the remainder within the second; further, that every convict who escaped, would, within 24 hours, kill a sheep or an ox, or break open a store-house or mill.

This note was transmitted to me by Mr. Montagu, with his letter dated the 19th October, in which he observes upon it:—

“Mr. Menzies' belief, in October, 1843, that if the convicts were placed in large bodies, without guards and physical coercion, one-half of them would desert within the first month, and the remainder at the end of the second, and that they were not to be restrained by mere moral and religious influence, evinced to my mind so small a knowledge of human nature, as to leave with me an unfavourable opinion of his judgment.”

Mr. Montagu proceeds to show, by a statement of the result of four years' trial of his system, how completely the Judge's prediction had failed.

Considering the means which Mr. Montagu had, as chairman of the Central Road Board, and controller of the new system of convict discipline, of obtaining accurate information, I regarded his statement of the result of his scheme as conclusive proof of its entire success; and, accordingly, in my minute of the 29th October, I spoke of Mr. Menzies' opinion as having been proved to be erroneous, to a degree that could hardly be hoped for.

In his letter to Sir Harry Smith, I see Mr. Menzies explains the circumstances in which this expression of his opinion originated.

When on circuit, it appears, he read in a newspaper Mr. Montagu's report, dated the 11th of September, 1843, on the management of convicts and proposed plan for the construction and maintenance of public roads.

In that report Mr. Menzies found no reference to guards, watchmen, or any other class of persons required for the safe custody of the convicts, nor to means for the restraint and confinement of their persons in case of violence or disobedience. It, in consequence, seems to have struck him, that Mr. Montagu either intended to leave the convicts without guards or physical coercion of any kind, or had omitted to mention it in the details of his plan.

To bring this to Mr. Montagu's notice, Mr. Menzies declares to have been his object in writing the note in question.

In a concluding paragraph of his letter, Mr. Menzies endeavours to show that the opinions he expressed in that note were not so erroneous as they had been represented. This he does by stating that, on the occasions of his visiting the convict stations in 1845, '6, and '7, he found convicts in chains, as well as the road gangs guarded by armed men,—also that visiting magistrates had been appointed to punish offenders, and that several convicts, in attempting to escape, had been either shot, fired at, or wounded.

Mr. Montagu, in his memorandum, remarks—that previous to Mr. Menzies' departure on circuit in 1843, he had spoken both to Sir George Napier and himself, on the subject, but that the guards alluded to were soldiers, whom it had been the practice to employ at certain road stations, and whom Mr. Montagu proposed to abolish, together with the physical coercion of working the convicts in chains. Mr. Montagu further explains the reason why chain gangs were to be found at the road stations in 1845, '6, and 7, viz., the breaking up, subsequent

to the adoption of his system, of the penal establishment at Robben Island, which necessarily forced upon the road system, the chain gangs that had previously been employed on the Island.

In looking at this disputed point (which, after all, is of no moment, but for the allusion to it in my minute of the 29th October) I cannot help feeling surprise that Mr. Menzies should have ascribed to Mr. Montagu, or to any other person of sense, the idea of conducting a convict establishment totally without physical coercion or restraint, merely because, in laying down in his report the principles of his scheme, he stated that "control of the convicts by physical force is out of the question,"—or else because no mention was made of guards, watchmen, or others necessary at all times for the safe custody of convicts.

That report, I may add, does not enter into the details of a convict establishment. It, however, mentions that a code of regulations would be framed for the future employment, discipline, and management of the convicts. Mr. Menzies, it appeared to me, might, on the same reasoning, have as justly concluded from the report that it was intended to leave the convicts at large, or unclothed and without food, since the report is equally silent as to the mention of bolts, bars, food, and clothing.

The next document in point of date, is the extract from Mr. Menzies' letter to Mr. Montagu, of date noted in the margin. It refers almost exclusively, to the principles of the road ordinance which had just then been passed. It contains Mr. Menzies' arguments for objecting to certain provisions in that ordinance, which he suggests should be repealed. These provisions are—

Mr Menzies' Letter of the 22d December 1843, to Mr. Montagu.

1st. That the road assessment on landed property is to be made proportionate to the positive benefit such property will derive from the roads to be constructed and maintained.

2nd. That the assessment levied on the fixed property of each division is to be exclusively expended on the roads within it.

The effect of such provisions, Mr. Menzies argues, will be to impose assessments on certain districts, for the construction of roads in the division to which they belong, but in which they have not only no interest, but will actually suffer injury from their being made,—whilst districts belonging to other divisions will be benefitted thereby, though not called upon to contribute.

On the above grounds, Mr. Menzies urges the repeal of the two clauses containing the provisions above referred to, and that others be put in their stead. I cannot collect what those others are to be, unless I am to infer from some of Mr. Menzies' observations, that the ordinance should provide for an indiscriminate levy of a road-rate on the whole fixed property of the colony, to be appropriated by a Central Board, without regard to particular divisions, or the agency of Divisional Boards.

On these points the Central Road Board observe, at length, in their report, dated the 20th October, 1847.

In regard to the first of the alleged provisions, they deny the principle of the road ordinance to be, that each landed proprietor was to be assessed in proportion to the positive benefit his property would derive from the construction of the roads for which he contributed. They insist that no clause in the ordinance is susceptible of such an interpretation,—whilst they say that the fact that it imposed the assessment on the fixed property in towns and villages, equally with that in country districts, fully bears out a directly opposite construction.

The Commissioners adduce, as an example, the municipalities of Cape Town and Green Point, which are rated for the main and branch roads of the Cape division, in the construction and repair of which their interest is only an *indirect* one, whilst in the improvement and repairs of their own roads and streets that interest is *direct*.

As to the second of the provisions objected to by Mr. Menzies, they entirely concur with him that the rates must be expended in the divisions in which they are levied. But whilst thus concurring, they proceed to account for its being



inserted in the ordinance, on grounds perfectly distinct from those set forth by Mr. Menzies.

They allude to the fact that the Executive experienced formidable opposition in getting the road ordinance passed at all; that, in consequence it was limited to six assessments, none of which should exceed one penny in the pound; that the Executive was fully aware that this rate, even with the contributions from the general revenue, would be wholly inadequate to the opening up of the mountain passes of the colony, the erection of bridges, and the laying down on scientific principles of main and branch roads in the several divisions.

For these reasons, the Board assert, and not for that alleged by Mr. Menzies, it was considered but just and equitable that this provision for the appropriation of the rates of each division should be made,—and thus the Central Board be bound so to diffuse their operations over the whole colony, that when their functions should cease, the landowners of each division should find that there had been expended on the main roads therein, an amount at least equal to the rates levied.

As to the division of the colony for road purposes into sub-districts, recommended in Mr. Menzies' "extract," the Central Board strongly object to such a project. The plan of forming, for road purposes, sub-districts in divisions, each to have its own local Board, as suggested in the extract, the Board consider to be equally unnecessary and inexpedient, particularly as the divisions are already subdivided into wards, each of which is represented in the local Board of its division, and their interests thus watched over, both in the main and branch roads of the division.

The Executive Council, in their minute, totally object to any division of the colony for road purposes, as proposed by Mr. Menzies in the extract. They maintain that the existing division has for a long period been connected with the fiscal regulations and administration of the colony, and that to set it aside and construct districts, made up of bits and scraps of existing divisions, would be to abandon landmarks long and intimately associated in the minds of the inhabitants, for others that were neither called for nor shown to be required.

On this head Mr. Menzies, in explanation, remarks in his letter on which I am observing—that the apparent difference between his opinions and those of the Central Road Board and Executive Council is more in words than in substance. "When they are sufficiently informed," says Mr. Menzies, "as to what my plan really is, they will see that the new districts which I proposed that the Governor should have the power of creating, were neither to be made up of bits or scraps of old divisions, nor limited to single field-cornetries."

Though Mr. Menzies' plan, after a lapse of four years, is not yet apparently known, either to the Central Board or the Executive Council, yet both the Board and the Council appear, with reason, to have inferred, from the tenor of his remarks, that there were to be sub-districts, that is, districts subordinate to the existing divisions: as in the first paragraph of the "extract," Mr. Menzies suggests that Dr. Stanger, before laying down the line of road from Cape Town to Graham's Town, be instructed to obtain accurate information as to what particular districts in the great divisions through which the main road would have to pass, would make use of such line in conveying their produce to market. And in another paragraph of the same "extract" he says, that this information, when obtained, will enable the Executive Council or Central Road Board, so to arrange the mode of assessment (the obnoxious clauses being repealed) as will enable each sub-district or particular locality to derive a benefit from the roads in their neighbourhood, proportionate to the amount of their contributions.

In the account which Mr. Menzies gives in his letter, of his conversation with the Lieutenant-Governor, when he offered him the "extract," he points out as one of the evils in the ordinance which he thinks should be remedied, not that each sub-district or locality would not profit from the roads in their immediate neighbourhood proportionate to rates there levied,—but that the surplus of rates levied in divisions where they are not required could not, according to the



present law, be applied to roads in other divisions where the amount of rates levied might prove inadequate to the construction of their roads, owing to mountain passes and other natural obstacles lying in them. From this remark it might be concluded that, instead of cutting up the division into sub-districts, as the "extract" implied, Mr. Menzies' object now is, the aggregation of divisions into road stations, especially as relates to the Divisions of Colesberg, Graaff-Reinet, Cradock, Somerset, and Uitenhage, in respect to the Zuurberg trunk line.

These discrepancies have struck me, on carefully looking into the papers, but as I cannot reconcile or explain them, it must be left to Mr. Menzies to do so at some future period.

The preceding observations embrace the objections contained in the "extract," and made by Mr. Menzies in 1843, and also the repeal, which he still recommends:

I have impartially considered the reasonings, statements, and explanations which have been adduced on both sides, and the opinions I have formed are:—

1st. That that provision of the road ordinance, which enjoins the expenditure of all rates in the division in which they are levied, is, for the reasons assigned by the Central Board, just and equitable, seeing that the powers to assess, authorised by the ordinance, are both limited and temporary.

2nd. That as to the division of the colony into districts for road purposes, no sufficient reason has been given by Mr. Menzies in the "extract," for new and additional territorial divisions, in which it is more than probable, there would be found no adequate machinery for the levying of the rate, or local agency of sufficient weight and intelligence to co-operate with effect, in the general administration of the roads of the colony.

3rd. Throughout the whole line of argument against the present provisions of the ordinance, and in favour of constituting road districts distinct from the existing divisions, Mr. Menzies seems to me to have argued on false grounds, inasmuch as the main resources on which the Central Board have to depend, in opening up mountain passes and other natural obstacles, are not the road rates levied in divisions in which the roads lie, nor even the road rates of the whole colony, but, for such great and important works, the annual money-grants from the general revenue of the colony, to which all contribute,—the proceeds of tolls, likewise levied from all, whether landed proprietors or not,—and the labour of convicts. These I find to be scarcely, if at all, alluded to throughout the whole "extract." Had these been given the prominent position, in the discussion, that clearly belongs to them, the question as to the special allocation of road rates might, I imagine, have been safely regarded as a distinction without a difference,—the penny in the pound rate being a call on the landed interest of the colony, neither too heavy to be borne nor intended to be of very long duration.

These documents, to a considerable extent, refer to matters that are purely personal. The question as to whether the letter written by Mr. Menzies to Mr. Montagu, on the 22nd December, 1843, was an *unofficial, friendly* private letter, or whether, as from its style and contents I at first took it to be, it was to be regarded in a different light, is of no real moment, beyond its involving the consideration of another question, namely, whether Mr. Montagu neglected his duty in neither bringing it to the notice of the Governor nor of any department of the Government:

Mr. Menzies' Letter to Sir H. Smith, and Mr. Montagu's Memorandum.

It seems to me, from the concluding paragraph of the letter, that Mr. Menzies wrote it exclusively for Mr. Montagu's private information; but he, at the same time, relieves him from the necessity of treating it as private, should he see fit. A large part of that letter is occupied in offering Mr. Menzies' views as to the line of road from George to Uitenhage, and it contains much topographical information. It is to this part that Mr. Montagu evidently replies in his note of the 23rd December, 1843, quoted in Mr. Menzies' letter to Sir Harry Smith. The remainder of the letter forms the "extract" which was put into the hands of the Lieutenant-Governor, to be used as he thought proper, and this is the part

which embraces the point under consideration ; for the line of road referred to in the first part of the letter, was well known to the Surveyor-General, and was then actually in the hands of a professional surveyor. Had this been a single instance in which Mr. Menzies brought his views under the consideration of the Executive, respecting the road ordinance, it would have been Mr. Montagu's business to have informed the Governor of those views ; but it is seen that this was not the case. From Mr. Menzies' own account of the matter, it appears that, on the road bill being referred to the Judges, he had on the 20th November, 1843, in the course of a personal interview with Mr. Montagu, pointed out his objections to the bill,—that when the Council was assembled for the third reading of it, he called Mr. Montagu into the ante-room, and pressed upon him his objections, on which Mr. Montagu assigned his reason for at once proceeding with the bill, adding that his (Mr. Menzies') amendment, if it were thought expedient, might be subsequently made. And on that day, after the bill had been passed, Mr. Menzies resumed the subject in the presence of the Governor, to whom Mr. Montagu had to explain the Judge's objections.

From this I should say, that it is assumable that Mr. Menzies only reiterated in the "extract" what he had previously stated both to the Governor and Mr. Montagu.

In the letter, Mr. Menzies further enters into a detailed statement of the circumstances which impelled him to the course he had taken, of placing the "extract" at the disposal of Sir Henry Young. These reasons are, to me, by no means conclusive. The provisions of the ordinance which he sought to have amended are applicable to any division of the colony ; it was, therefore, quite competent for Mr. Menzies to have placed this document in my hands, without infringing the instructions he cites from Lord Stanley. This step Mr. Menzies, from motives best known to himself, did not take ; and when I came to a clear knowledge of what had passed, I certainly saw cause to feel surprise and disappointment at his resuscitating, as it were, the objections he had made four years before ; and that, too, at a time when the re-agitation of the subject could not but embarrass me, and when its obvious tendency was to give a handle to a party then bent on the popular agitation of a question which the Secretary of State had recommended to be considered in a very different manner.

I had closed the discussion on this road bill question by my Government Notice of the 4th August ; and it was, I think, the duty of Mr. Menzies to have consulted me whether, even in his capacity of a private gentleman, it would then be advisable to revive the subject, or to interfere with the existing road administration, of which I had publicly and officially expressed my cordial approval.

In his letter I observe that Mr. Menzies' repeats the object he had in view in placing the "extract" in the Lieutenant-Governor's hands, and in his account of the conversation with Sir Henry Young, he likewise states that he pointed out to His Honour, that it was perfectly lawful for the Board to appropriate the road rates of any division temporarily to the construction of roads in another division, provided the total amount assessed was ultimately expended in the division in which the rates were levied (the legality of which Sir Henry had denied in the discussion closed by my notice of the 4th of August), but that it would be unlawful to levy more in any division than would be eventually expended on its roads. He also remarks, that with a view to relieve the Central Board from this difficulty, he placed the "extract" in the Lieutenant-Governor's hands, in the hope that it would lead to the revision and amendment of the obnoxious clauses.

It does not appear, however, from Mr. Menzies' explanation, that he had supplied the Lieutenant-Governor with his plan of amendment ; on the contrary, his note, which accompanied the "extract" the following morning, does not allude to the subject, but permits Sir Henry Young to make any use of the "extract" he may think proper. Sir Henry Young immediately replied that he was about to transmit the "extract" to me, in corroboration of the views he had

previously urged as to the illegality of appropriating any rate on the construction of any road not in the division in which such rate was levied,—a position which Mr. Menzies avers he had told the Lieutenant-Governor, the evening before, was untenable. In this position Mr. Menzies allows the matter to remain, without a line to Sir Henry in reply, though he must have seen that such a use of the “extract” would not only frustrate the object he professed, but would place the Lieutenant-Governor in a false position, and at the same time make him (Mr. Menzies) the medium of re-agitating a question on which I had bestowed much consideration, and which I had finally laid at rest,—at least till times of greater leisure.

I am unwillingly compelled to feel that these facts do not bear out Mr. Menzies’ line of explanation, and defence of his conduct towards me as the head of the Government.

Touching the lengthened statements into which Mr. Menzies has entered, to show that in certain divisions, such as Colesberg, the Central Board has already levied more than it can expend, it appears to me unnecessary to enlarge on the matter. The whole rates levied in that division amount only to £1002. The area of the division is double that of the largest county in England. To my mind this one fact disposes of the question.

It is unaccountable, however, that Mr. Justice Menzies, believing the Board to act illegally, should have suffered them, for a space of four years, to be exposed to such a liability, without communicating with them on the subject, and it is equally so that Sir Henry Young, after the conversation with Mr. Menzies, should not have brought the subject in that light under my notice; but instead of doing so, he, on the strength of the “extract,” reiterated his opinion that the illegal proceedings of the Board were of a perfectly different kind.

I have now toiled through the whole subject.

In these notes I have endeavoured, as much as possible, to exclude irrelevant matter, whilst I have studied to omit nothing that could throw light upon it. I may conclude by saying, that I shall be perfectly ready to modify, or even recal, my comments on Mr. Menzies’ conduct, should the truth require it,—that I have striven throughout my review of the case to guard against any bent or bias, and that I cannot see that I have done the least injustice to any one, either in expressing myself as I did in my minute, or in laying the affair before the Secretary of State. Indeed, on reference to Sir Henry Young’s letter to me of the 6th of October, handing up the “extract,” it will be seen that I had no alternative as to the adoption of the latter step, since that gentleman respectfully requests that it may be added to the other road papers; and had I hesitated or declined to do so, I would have tacitly admitted that I was in previous error.

HENRY POTTINGER.

#### MINUTE.

King William’s Town, 2nd January, 1848.

I have under my careful consideration Mr. Justice Menzies’ letter of the 22d December, 1847, accompanied by a memorandum from Mr. Montagu, of the 23rd December, 1847.

1. It was decided some years ago, in the House of Lords, when the Marquis Wellesley was Lord Lieutenant of Ireland, that there could be no private communications upon official subjects.

2. I have observed through a long series of years in public life, that controversy arises first from conversations, then private notes, and ends in official disputes,—each adducing arguments in support of the controversy, rather than in direct support of the point at issue. A regularly official procedure invariably facilitates public business, and is usually definite.

3. I deeply regret to see the time of two of the most able men in this colony occupied in controversy, —both being actuated by precisely the same principles, —that of a zealous discharge of their duty ; men whose candour and generosity —whose sense of right and obligations of justice, are such as not to permit any deliberate intention of violating the integrity on which they both desire to act.

4. This correspondence involves the despatches of my predecessor, Sir Henry Pottinger ; I can, therefore, only recommend his opinion and wish, as he is on the spot, to be taken, for it would be most gratifying to me that the matter should be terminated by cancelling the printed correspondence from pages 115 to 128 inclusive. In the event, however, of this not being done, this minute will be published also.

5. I cannot conceive a more unfortunate state of things in any Government, than that when the high official officers of it do not act together in harmony and unanimity. It is a general principle, upon which the scale of individual merit must be decided.

6. In all changes of system, and however we may differ in opinion, warmth of expression, or passing judgment upon each other's abilities, need not be resorted to. Experience shews that a steady perseverance in any just cause, renders hasty expressions unnecessary, for time will develop the merit of any system, and official records of opinions will preclude the possibility of misconceiving each other's views, or of the imputation of a mis-statement of conceived facts.

7. It is obvious what the law defines should be the rule ; if the law be in error its remedy can be effected.

8. I again repeat I should gladly see this correspondence cancelled, as I have previously recommended, and which I venture to hope ; having the highest opinion of the zeal, ability, and rectitude of feeling of the parties involved in this lengthened controversy.

9. This document to be recorded in the Colonial Office by Mr. Montagu, and also for his information, and this, the original, to be transmitted to Mr. Menzies. Both these gentlemen are assured any mutual arrangement to the purport of this minute, will meet my approbation, to save further reference, distant as I now am.

H. G. SMITH.

Received and recorded at the Colonial Office, Cape Town, 8th January, 1848, 3 o'clock, p.m.

Delivered by me to the Right Hon'ble Sir Henry Pottinger on the 9th, and returned by him to me on the 11th, acquainting me that he has written to His Excellency Sir Harry Smith, to inform him that, in his opinion, the printed correspondence from pages 115 to 128 cannot be cancelled.

Transmitted to Mr. Justice Menzies, the 11th of January, 1848.

(Signed) JOHN MONTAGU.

A true copy.—JOHN MONTAGU.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 10th May, 1847.

HIS Excellency the Right Honourable  
Sir HENRY POTTINGER, Bart., G.C.B.,  
Governor and Commander-in-Chief.

SIR,—I have the honour of forwarding to Your Excellency a copy of an address from the inhabitants of this district, presented to me on the 5th instant, and also a copy of my reply.

In the framing of that reply, my object was to further Your Excellency's desire of turning the attention of the public to the restoration of peaceful and industrious pursuits, and to the policy of combining together to promote the internal improvement of the eastern districts. I hope, therefore, that the documents in question will be satisfactory to Your Excellency.

Having, however, already derived, even from my short residence here, a very strong impression that the existing form of government is not so conducive to that early and extensive improvement of the country which is so obviously and so greatly needed, I think it due to myself, and to the people under my charge, thus early to record my opinion, and to convey it most respectfully to Your Excellency, that the pecuniary means of maintaining additional institutions of religion, justice, and police, and the promotion of necessary public works, would be yielded not only more amply and cheerfully than at present, but to an extent commensurate with the public revenue and expenditure of any other colony of equal population to that of these districts, provided the raising and appropriating of public funds be established on a system of local representation and local taxation, as popular as that which is conceded to Her Majesty's other colonies.

The remoteness of the present metropolis of the whole colony, the geographical features of the country intervening between its western and eastern limits, and the present, and probable future, almost exclusively English character of the intelligent and enterprising portion of the eastern population, render a change in the existing constitution of this Government expedient and necessary.

Nothing less than such a change as I have, from a sense of duty and from the conviction of my humble judgment, now suggested, will give the necessary stimulus to the people of these districts liberally to contribute, and wisely to apply, local taxation to local improvements. They have at present no direct interest in, and therefore no sympathy with, a government so remote and locally circumscribed as that at Cape Town.

Every requisite similarity of laws between the eastern and western provinces of South Africa could be attained by the correspondence of the respective local governments, and by the veto on local legislation or its occasional amendment, which is at present, and ought to continue to be, the undoubted prerogative of Her Majesty.

It would be more feasible in the lapse of future ages, and after social and physical improvements had been extensively established and long enjoyed, to bring about an useful amalgamation of the government of the eastern and western provinces, than it is to do so in the present infant state of society, among a people so territorially distributed as the inhabitants of these two divisions of the Cape of Good Hope.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

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#### ADDRESS.

Graham's Town, 4th May, 1847.

His Honour Sir H. E. F. YOUNG,  
Lieutenant-Governor.

SIR,—We, the undersigned, landholders, merchants, traders, and others, inhabitants of Graham's Town, avail ourselves of Your Honour's arrival to express our great satisfaction at the appointment of an officer of such tried experience and ability to the important office of Lieutenant-Governor of this province; and, in anticipating for the eastern districts of the colony a steady course of prosperity under Your Honour's administration, we found our hopes upon the past official career of Your Honour in a distant colony, marked as that career has been by



high integrity as a servant of her most gracious Majesty, and a just deference to the rights of the colonists.

When, in the order of a wise providence, the illustrious individual now at the head of this Government shall have accomplished the high and important duties of his mission to this frontier, and shall have secured to this long distracted province security from those cruel and harassing aggressions to which it has so long been subjected, then we feel sure that in Your Honour he will leave an officer who will steadily and firmly carry out those plans, upon the efficient working of which will depend the future well-being of the loyal inhabitants of this province, as well as the prosperity of the colony at large.

We beg to assure Your Honour that it is our most earnest desire to uphold Your Honour's Government, and to assist in carrying out such measures as may be devised for promoting the internal improvement of this province.

Signed by and on behalf of a public meeting of residents of Graham's Town,

CHARLES MAYNARD,  
Chairman of the Meeting.

### REPLY.

5th May, 1847.

GENTLEMEN,—I thank you for the congratulatory address with which you have so kindly greeted my arrival and assumption, in conformity with Her Majesty's gracious appointment, of the charge of the separate and distinct government of these eastern provinces of South Africa. I trust that you will not hold me to be the less sensible of your attention to myself individually, for giving in my present reply the greatest prominence to those portions of your address in which you have adverted to topics connected with the public service. The subjugation of the Kafirs,—the precautions to be adopted against their future incursions,—the measures to be devised to promote their civilization,—are great and arduous tasks entrusted to authority, experience, skill, and competency far higher than I possess. Mine will be the humbler duty of zealously carrying into execution so much of the details of the above objects as the Right Honourable the High Commissioner shall be pleased hereafter to delegate to me. Greater, however, than any profit to be gained from neighbouring tribes in war or in peace; better than the acquisition of territory or the extension of traffic in Kafirland, is the solid present advantage of developing the internal resources of our already wide-spread colony, and of advancing the intellectual and moral progress of its inhabitants. The making of roads and bridges wherever their construction or improvement is required; the preservation and new formation of reservoirs; the boring of artesian wells; the establishment of irrigation; the extension of agriculture; the export of wool in greater quantity and of better quality; the improvement of our fisheries; the scientific and minute survey of our rivers and coast; the greater safety and convenience of our bays and roadsteads; above all, the general diffusion of Christian faith, Christian charity, and sound learning; the consequent maintenance of that high standard of morality, intellect, and industry which ought to characterise British colonists; are all of them objects of such paramount importance, that they should be strenuously and cordially compassed by every means in our power.

It is, therefore, with the most lively satisfaction, that I receive and reciprocate your assurance of support to my government, which desires to further these aims. They are essential elements of that internal improvement of this province to which you very properly promise your assistance. In conclusion, gentlemen, be assured that I respectfully estimate at its very high and just value the spirit of good-will and cordial co-operation which has prompted your present address.

H. E. F. YOUNG, Lieutenant-Governor.

Camp at Fort Peddie, May 15, 1847.

His Honour Sir HENRY E. F. YOUNG, Kt.,  
Lieutenant-Governor.

SIR,—I have the honour to acknowledge the receipt of Your Honour's letter of the 10th instant, enclosing a copy of an address presented to you by the inhabitants of Graham's Town, and also one of your reply,—likewise offering your opinions on the momentous questions of the future form of government most likely to promote the development of the resources, and to ensure the prosperity, of the eastern province of this vast and magnificent (by nature) colony.

The questions involved in a consideration of Your Honour's opinions had attracted my attention since the day I landed at Cape Town,—and even previously; but overwhelmed as I have been with other more immediately pressing (though not more important, perhaps,) matters, I have not been able to devote the time and thought to that consideration which its magnitude and importance demand.

I am not therefore, at this instant, prepared to reply to Your Honour's letter so distinctly as I feel it to be my duty to do; but I shall now write to Cape Town to obtain copies of all the numerous despatches to and from Her Majesty's government, which have passed on this subject, and as soon as I can receive them I propose to visit Graham's Town for a short time, to personally confer with Your Honour, before I write to the Right Honourable the Secretary of State, submitting the result of our joint deliberations.

I have, &c.,

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 17th May, 1847.

His Excellency the Right Honourable  
Sir HENRY POTTINGER, Bart, G.C.B.

SIR,—I have respectfully to move your Excellency to direct that the annual estimates of the expenditure to be incurred for the service of the ensuing year be not closed, until I shall have had an opportunity of submitting an estimate of the expenditure required in the eastern districts, on which subject I have directed the Civil Commissioners to communicate with me without delay.

I have, however, in the meanwhile to request Your Excellency's attention to a few points connected with the expenditure in the eastern districts for the ensuing year, respecting which there is already an agreement of opinion on the part, both of Her Majesty's Secretary of State, and of the Legislative Council of the colony. I allude to provision being made at Fort Beaufort and at Bathurst for the establishment of resident magistracies.

I also beg leave to move Your Excellency to cause provision to be made in the public estimate for the establishment of a Registrar of Deeds' office, and also of a Surveyor-General's office.

The establishment of these offices in the eastern district is greatly needed, and universally desired by the inhabitants, who are much inconvenienced by the delays and expenses consequent on a resort to Cape Town for the transaction of the business appropriate to these departments.

The salaries in the Registrar of Deeds' office at Cape Town amount £920 per annum. I have reason to think that one third of this amount would suffice for the like office in the eastern districts, and would contribute to augment the public revenue by the increase of business which would follow from its establishment.

The department of Surveyor-General and Civil Engineer at Cape Town, is supported by salaries to the extent of about £2,545. I have reason to believe that perhaps one third of this amount would suffice for the department in the

eastern districts, and I feel it to be due to the wants and wishes of the people under my charge, to submit that provision to the above extent should be placed on the public estimate, either in the shape of new items, or by an appropriation of an equivalent portion of the moneys at present voted for these establishments at Cape Town, to the remuneration of officers of those departments, to be resident in the eastern districts.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant-Governor.

Camp at Fort Peddie, May 19, 1847.

His Honour Sir HENRY YOUNG, Kt.,  
Lieutenant-Governor.

SIR,—I have had the honour to receive Your Honour's letter of the 17th instant, conveying to me your opinion on various topics connected with the future government of the eastern province of this colony.

My letter of the 14th will have apprised you that I have taken measures to give effect to your recommendation regarding a resident magistrate at Fort Beaufort; and I will now request the advice of the hon'ble the Executive Council, as to the same step being adopted at Bathurst.

With regard to the other measures you suggest, they can, I conceive, only be carried out with the previous express sanction of H. M. Government, as the expense will not only be considerable, but they seem to me to be almost tantamount to a final separation of the western and eastern districts, and they must, therefore, be fully and carefully considered, and talked over, before they are recommended.

My letter of the 15th instant will have informed you of my intention of visiting Graham's Town, as soon as I can receive from the archives at Cape Town the various despatches bearing on your letter to me of the 10th instant, and I shall then be enabled to confer with you, and to decide what we shall jointly recommend to the Secretary of State.

In the mean time, I shall send your letter and this reply to the Hon'ble the Secretary to Government, to obtain the opinion on it of the hon'ble members of the Executive Council, and also to procure any documents that may assist our deliberations.

I have, &c.,

HENRY POTTINGER.

#### MINUTE.

Colonial Office, Cape Town, 5th June, 1847.

In obedience to the instructions of the Right Honourable the Governor, to the members of his Executive Council, we have the honour to submit to His Excellency the result of our deliberations on the despatches of His Honour the Lieutenant-Governor, dated the 10th and 17th May respectively.

1. In his despatch of the 17th of May, His Honour moves the Governor "to cause provision to be made for the establishment of a Registrar of Deeds' office, and of a Surveyor-General's office for the eastern province," estimating the expense of each at one third that now incurred for the existing departments in Cape Town, that is £1,155 per annum, in the aggregate.

2. In regard to the necessity of a Deeds' Registry in the eastern province, on account of the delays and expenses at present experienced by its landowners, and consequent on a resort to Cape Town, for the transaction of business with that department, we take leave to observe that in consequence of the arrangements introduced by the ordinance, No. 14, 1844, "For the better regulation of the office of Registrar of Deeds," the business of registry and transfer is now committed to professional conveyancers, paid by fees, whose interest it must be to

bring each act of registry and conveyance to maturity with the least delay. We do not think, therefore, that any increased convenience would be thereby conferred on the inhabitants of the eastern province, either in respect to delay or expense, at all commensurate with the amount of expenditure which His Honour proposes should be incurred, and which we cannot but regard as a low estimate.

3. On this head we would further remark that as the expense of conveyancing, so far as professional fees are concerned, would be the same, whether effected at Graham's Town or Cape Town, the only additional expense must arise from the postage incurred in the transmission of documents, which at the present reduced rates is too inconsiderable to require notice, and *is not affected by distance*.

4. As to delay, we entirely concur with His Honour, that the purchaser of landed property, so far as public departments are concerned, should be put in possession of his title as soon after the deed of sale permits as possible. But from the information we have obtained, we are led to believe that the principal cause of delay is not the distance at which the transfer has now to be effected, or the tardiness with which the conveyancer performs this duty, but the difficulty he experiences in procuring from parties the requisite documents and information, an evil which cannot be remedied by the establishment of an additional Deeds' Registry; and we would also observe that the establishment of a separate office in the Eastern Province will not preclude the necessity of occasional reference to the original office, to search for, and trace out, titles and liens on lands, by which as much delay, if not more, will be occasioned as now occurs in transacting the whole business in Cape Town.

5. Indeed, we are of opinion that, in order to preserve the efficiency of that system of registration long established in this colony, and which is probably as simple and as perfect as any system of registration can be, it would be absolutely necessary to make provision by forwarding transcripts from the office in Graham's Town to that in Cape Town, and *vice versa*, to enable parties consulting either of these offices to obtain all the information recorded in the other.

6. The transactions of debtor and creditor in regard to all parts of this colony are so much intermixed, that serious inconvenience would arise from depriving capitalists, or others, at either end of the colony, of the means of unerringly ascertaining the position of all the fixed property in the colony, in regard to titles and incumbrances.

7. In respect to the Surveyor-General's department, we cannot but acknowledge that great delay, expense, and inconvenience have been experienced by landed proprietors throughout the colony, but more especially in the eastern province, in procuring titles to their respective grants; but while we regret it, we cannot but regard it as a natural consequence of the practice which has ever obtained in this colony until a very late date, of granting the crown lands on a previous *inspection* for the purpose of determining the amount of quitrent, instead of selling them on surveys and title deeds previously completed. To this may be added the ignorance and incompetency of former land surveyors, which, in numerous cases have compelled the Government, since the department was remodelled by the present Surveyor-General, to have recourse to very extensive re-measurements.

8. The first undersigned believes from his frequent communications with Lieut.-Colonel Michell, the Surveyor-General, that delays and difficulties have also arisen, and in some instances still exist, to the issue of titles in the eastern province, which are quite beyond the control of his department, and are attributable to local irregularities, for which he cannot be responsible. A reference on this point will be made to Lieut.-Colonel Michell (who is absent on duty at Cape L'Agulhas), and his reply will be forwarded to His Excellency.

9. In regard, however, to the disposal of crown lands, in future no such inconvenience or delay as we have adverted to can arise under the existing regulations for the disposal of crown lands, and as the survey of lands is not effected

by any officer belonging to the Surveyor-General's department, but by sworn land surveyors, paid for their services by a fixed tariff, of whom at this moment there are not more than two or three in the eastern province, we are of opinion that the establishment of an additional Surveyor-General's department in that province would not materially contribute to expedite the issue of the title deeds now in arrear; and, for the reason given, such an office would be quite useless when these arrears have been brought up.

10. We conceive that the clearing off of arrears would be more readily, and less expensively effected, by securing constant employment to an additional number of sworn surveyors in that province for some definite period, that would make it worth their while to proceed thither. For, as additional draftsmen can be easily procured in Cape Town, according as the increase of business in the Surveyor-General's office finds them employment, no delay need arise in the issue of the titles farther than the actual surveys of the several grants necessarily impose.

11. In the remarks which we have now submitted for the consideration of His Excellency, we have confined ourselves to the question whether the establishment of a separate Deeds' Registry and a separate Surveyor-General's department would confer advantages on the inhabitants of the eastern province, commensurate to the additional expenditure which must thereby be incurred. But there are other considerations connected with this subject, and pressed on our minds, to which we beg to draw His Excellency's attention.

The importance of additional magistracies to both provinces, the extension of the means of religious and secular instruction, and the necessity of an enlarged expenditure from our future relations to the border tribes, irrespective of whatever charge the British Treasury may undertake for this service, are matters which we believe to engage much of His Excellency's attention and anxious consideration. They must necessarily impose a very considerable amount of annual expenditure on the public revenue, from the very fact that in this colony, for some time to come, the magistracy must be stipendiary. Religious and secular instruction provided for, chiefly, and in some districts entirely, by the Government, while the expense of maintaining our future relations with the border tribes is accompanied with no compensating return to the colonial revenue. From such considerations we feel it our duty to advise His Excellency to reserve every means at his disposal for the enlargement of the colonial magistracy, the extension of religious and secular instruction, and the adequate maintenance of such relations with the border tribes, as may appear to him best calculated to secure the permanent good and advancement of the colony.

12. In his despatch dated the 10th May, His Honour records his opinion that the existing form of government in the eastern province is not so conducive to an early and extensive improvement of the country as a separate government would be, based on the principle of local representation and local taxation: under which he believes ample means would be willingly supplied for the maintenance of additional institutions of religion, justice, and police, and for the promotion of necessary public works.

The necessity for thus passing from a subordinate to a separate and independent government, His Honour grounds upon the following considerations.—The remoteness of the present metropolis of the whole colony, the geographical features of the country intervening between its eastern and western limits, and the English character which marks the intelligent and enterprising portion of the population of the eastern province.

13. Before entering on the discussion of His Honour's opinion, so strongly expressed, in favour of a separate Government, we deem it expedient to remark on the grounds on which he rests the necessity for such a change.

As to the remoteness of the present metropolis of the colony from the eastern province, and its tendency to foster what are generally termed the evils of a "centralised Government," we beg to observe that the seat of a supreme Government is generally found to be that which the industrial economy of the country



and its natural capabilities have made the chief resort of trade and capital, without regard to geographical position, and that if the alleged evils of centralization are felt in districts remote from the seat of Government, the remedy will not be found, especially in this colony, in dividing the country into two distinct and independent colonies, with separate Governments, but in the extension of municipal government, not only to the towns, but to the civil or fiscal divisions; thereby relieving the general Government from the unsatisfactory application of its energies and resources to the administration of affairs purely local, and properly the subject of local management.

14. But His Honour's principal reason for the proposed separation, we perceive, is, the almost "exclusively English character of the intelligent and enterprising portion of the eastern population," and their willingness, on the condition of enjoying a provincial legislation, to provide amply for the maintenance of its Government. On this head we beg to submit to His Excellency the following statistical statement respecting the nature and extent of the population of the eastern province, and the amount of its fixed property, compared with that of the western, which we believe to be the best exponent of the relative pressure of public burdens in the maintenance of the Government of a colony wholly agricultural and pastoral in its character.

15. From the official returns in the office of the first undersigned, and from an analysis, in the correctness of which he has every confidence, the present population of the eastern province is, in round numbers, 58,000,—of which about one third reside in towns and villages, and two thirds are engaged in agricultural and pastoral pursuits.

This statement, of course, refers only to inhabitants being British subjects, and not to labourers and shepherds occasionally employed from among the border tribes. Classifying this population under the distinctive heads—Europeans of English descent, Europeans of Dutch origin, and persons of colour, being British subjects, it is found that the relative proportions of the three classes are as 3, 5, and 7, respectively,—that is  $\frac{1}{3}$  English, or of English descent,  $\frac{1}{5}$  Dutch, and nearly  $\frac{1}{2}$  persons of colour.

16. In regard to fixed property, the return, on which the present road tax is levied, and in the accuracy of which, from the right of appeal provided by law, we place every reliance, shows the aggregate value of fixed property throughout the colony to be £5,822,390. Of this amount, £1,809,045 is in the eastern province: *a sum less by nearly £100,000 than the value of the fixed property* belonging to one district of the western province, namely, the Cape division. The proportion of the fixed property in the western and eastern provinces is as 9 to 4, approximately, and to cultivated land as 4 to 1.

17. In regard to the distribution of the fixed property of the eastern province among the three classes referred to, no statement can be made with that degree of precision which would warrant us in bringing it under His Excellency's notice. This, however, may be remarked, that, with the exception of the settlers of the Kat River, little if any fixed property, strictly speaking, is in the hands of the coloured people, the majority of whom cannot even be classed as resident inhabitants; and as to the fixed property of the eastern province, the proportion shared between the English and Dutch settlers is in a ratio more favourable to the latter class than that exhibited in the population return.

With these remarks on the degree of importance which we think should be attached to His Honour's reasons for a separate government, we now proceed to the consideration of that important question.

18. From the expressions which have dropped in the course of this session from Lord Grey in the House of Lords, relative to the future government of the colonies, as also from his Lordship's instructions to His Excellency on his appointment to this colony as Governor and High Commissioner, we are induced to base the following remarks on His Honour's proposition for a separate Government, on the assumption that whatever other changes may be decided on by Her Majesty's Government, this will be one, namely, that the inhabitants will in future be

represented in the legislative as well as the municipal institutions of the colony. Under this assumption the question which presents itself for consideration, is,—whether the interests of the colony, as a whole, and viewed in its future relations to the border tribes, will be best promoted by having a supreme Government as hitherto, with one representative assembly, and a subordinate Government in the eastern province, or two separate Governments, each having its own provincial assembly.

19. With regard to the latter proposition, namely separate Governments for each of the provinces, we are of opinion that, however desirable provincial legislation may be for many and obvious reasons, yet, that interests of the highest importance, and common to both provinces, are in danger of being compromised by such a system of government, unless there be some controlling power provided, adequate to secure uniformity both in the legislation and administration of the two provinces, and to guard against the creation of conflicting interests in their financial and commercial relations.

20. From certain passages in His Honour's despatch, we are led to believe that, in arriving at the opinion he has formed respecting the future government of the eastern province, the same difficulty has presented itself to his mind which we have felt.

21. To obviate this, His Honour proposes that a correspondence be maintained between the local Government, and a veto reserved for Her Majesty on all local legislation, as at present. Now, in the propriety or efficiency of such an arrangement, we hesitate to concur. Its tendency to degenerate into unseemly controversy, without any practical issue, in all cases of disputed policy, is at once obvious and significant, whilst the consequent necessity for a resort to the Crown to decide between the conflicting opinions of two popular assemblies, by the exercise of its veto in all such cases, is open to objections on many and grave considerations. For these reasons, we are under a conviction that the proposition of two separate Governments, with provincial legislatures, imposes on this colony, as it seems to have done on New Zealand, the necessity of a third power, in the shape of a general or colonial assembly, as a guardian of those high interests common to both provinces, to which we have already directed His Excellency's attention.

22. We will now consider His Honour's proposition in a financial point of view. Separate legislation implies, by consequence, a separate exchequer, and, to a considerable extent, a duplicate of existing departments. Whether the Supreme Court of the colony will continue to be a court of first instance to the eastern province, or whether that duty will devolve on a recorder, we will not stop to inquire; but will take for granted, that if the eastern province continue under its jurisdiction in any form, the revenue of the eastern province will have to bear a part of the expenses of that institution, proportionate to the advantages it receives. All other departments of the civil Government of the colony, in order to be under the control of the provincial legislature, must be placed under distinct heads, with their several clerical establishments, and paid for from the provincial revenue.

23. Controlled by a representative assembly, who will command the revenue, it is evident that the executive government of the western districts will have no power to render pecuniary aid to that of the eastern, in the maintenance of departments which, at this end of the colony, will be regarded by the great body of the people as uncalled for and superfluous. Nor will it be easy to induce such an assembly to vote away money for the future government or control of the Kafir tribes, which, should they be brought under colonial rule, they will naturally regard as a portion of the eastern province. In the absence of an estimate from His Honour, or figures in any form, to show the probable revenue and expenditure of the eastern province under a separate Government, these considerations have pressed themselves on our attention, when viewing the financial bearing of this important question. And though we give full credit to the willingness of that portion of the eastern population that most desire and is best fitted for self-government, to tax themselves for the support of their own institutions, yet, from our knowledge of the financial resources of both provinces, we give it as our

deliberate opinion, that the eastern province cannot at present afford to maintain a separate Government.\* In proof of which, we beg to submit, for His Excellency's information, the following statement of the revenue and expenditure of the two provinces, for the years 1846, 1847, and 1848.

## 1846.

24. Actual revenue for 1846, collected in western province,	£150,708.
Do. in eastern province,	43,445.
Actual expenditure in 1846, expended for the general Government, and common to both provinces, . . . . .	125,080.
Expended for local departments, &c., in the western province,	35,152.
Expended for the departments, &c., in the eastern province,	28,628.

## 1847—1848.

## Estimated revenue for 1847 and 1848.

	1847.	1848.
To be collected in the western province, . . . .	£119,116	£131,137.
To be collected in the eastern province, . . . .	40,507	39,210.
Estimated expenditure for 1847 and 1848.		
To be expended for the general Government, and common to both provinces, . . . . .	65,969	71,741.
To be expended for local departments in the western province, . . . . .	56,749	61,066.
To be expended for local departments in the eastern province, . . . . .	39,135	43,108.

And here we may remark that the eastern province, being principally a pastoral country, it has, like all pastoral countries, risen rapidly into wealth, but the prosperity of such a country, where an extension of territory is impracticable, although speedily attained, soon touches its limit, and then remains nearly stationary. The staple article of export from the eastern province is wool, and as its value depends upon the English market, and its quantity cannot be increased beyond the capabilities of the land for bearing stock, it is not probable, seeing that the land in this colony will not bear a heavy stock, that the wealth, and with it the public revenue, of the eastern province will greatly advance beyond what it will attain after the flocks of African breed have been supplanted by wool-bearing sheep.

25. But in the discussion of this question another consideration arises, which we think it our duty to submit to His Excellency. For years past the advancement of the colony, by the prosecution of necessary public works, was wholly in abeyance on account of a paper debt of a quarter of a million sterling, which the Imperial Government insisted on being liquidated, before the colonial revenue should be appropriated to the construction of roads and bridges, the improvement of harbours, or any other public work on which the development of the natural resources of the colony depended. This debt has been wholly liquidated recently, and the surplus revenue of the colony can be, and is, extensively and advantageously applied to the promotion of such public works, as have been alluded to, and to the extension at the same time of all institutions tending to the better administration of justice—the improvement of all classes of the people, and the social advancement of its border tribes. Should, however, the measure be adopted of a separate government for each of the provinces, although a small surplus may continue to accrue from the revenue of the western province, that of the eastern will fall short of the expenditure which it would have to meet for its establishments on the most economical scale; and thus its public works be kept in abeyance.

We have felt it to be our duty to submit these points, as connected with this subject, to the consideration of His Excellency the Right Hon'ble the Governor.

J. MONTAGU,  
H. RIVERS,  
W. PORTER,  
W. FIELD.

Graham's Town, June 22, 1847.

His Honour Sir HENRY E. F. YOUNG Kt., Lieutenant-Governor.

SIR,—With reference to my letters of the 15th, 19th, and 31st of last month, I have now the honour to forward, for Your Honour's perusal and information, a number of extracts and copies of despatches received from Cape Town, connected with the relative authority of the Governor and Lieutenant-Governor of the colony, as regards the eastern provinces; also two minutes drawn up by the Executive Council, in answer to reference which I had made to that honourable body, in consequence of your letters to me of the 10th, 17th, and 25th of May.

These papers have been with me for the last three weeks, but it is only to-day that I have been able to spare time to look into them with the requisite attention.

I have risen from a perusal of them with the conviction that the office and powers of Lieutenant-Governor, as at present constituted and conducted, are not only incompatible with an efficient discharge of his high functions, but that they are placed, partly by a want of clearness and a certain degree of contradiction in the original instructions, and partly by the practice that has unavoidably obtained owing to that indistinctness, on a footing that ought, I think, to be inquired into and explained as speedily as practicable, seeing that it has made the provision for a separate and distinct government in the eastern division of the colony a dead letter, and left the Lieutenant-Governor with merely nominal power.

The anomalous position which the Lieutenant-Governor held, appears to me to be so clearly and candidly set forth in Sir Peregrine Maitland's despatch, No. 149, of the 21st of October, 1845 (which forms one of the series of documents now forwarded), that I feel that I can add nothing to his observations. The Lieutenant-Governor may be understood to be allowed the free and uncontrolled exercise of all patronage in the eastern districts,—he may submit his views as to the estimates before they are laid on the Council table,—and he may recommend measures, which he considers to be calculated to promote the prosperity of the portion of the colony under his charge; but so long as all these proceedings are not only subject to the control and revision of the Governor-in-Chief, but to be carried out on his responsibility, assisted by the Executive and Legislative Councils (when their aid may be required to give effect to them), it is clear that the reality of a separate and distinct Government is at an end, and (as Sir Peregrine Maitland states) “this inefficiency of the inferior office seems to grow naturally out of its peculiar relation to the general government of the colony.”

I can quite enter into the feelings of the people of the eastern division, in their wish to have a share in their own government, like those of the western districts; and that might, I conceive, to a certain extent, be provided for by an increase to the number of the members of both Councils, and some of them being selected from the eastern districts. But it seems far more than doubtful, whether any persons in this part of the colony could be found willing to devote their time and attention exclusively to that object; and my personal observation and inquiries lead me to believe that any form of representative government that it might be resolved to try, would, at the outset, prove a failure from the same cause, combined with the additional, and, as I think, insurmountable difficulty, of getting the people to agree in electing and deputing representatives.

Admitting that the preceding remarks are correct, the only other course that offers itself at this instant to my consideration, is that of the Lieutenant-Governor being placed with an Executive Council, and the other requisite establishments (to which your letters particularly refer) in the same position as the Governor-in-Chief. This would put the eastern districts in the same light to the central Government at Cape Town, as the subordinate presidencies of India bear to the supreme Government at Calcutta, which has alone the power of legislating; and a nearer instance of which may be adduced in the present arrangement for the management of Natal; but—allowing that all other obstacles and objections could be anticipated and removed—I am apprehensive that the expense would form a cogent barrier to such a plan.



I confess I do not attach much, if any, weight to the assurances of the population of the eastern districts, that they will be ready to pay the additional expense of a separate government,—because my short experience has forced on me the conviction, that in no part of the world do local party feelings and prejudices prevail to a greater degree than in this colony; and it would be altogether premature to recommend the adoption of such a scheme, on the information now before us. I see, however, that Mr. Gladstone, in his despatch No. 60, dated the 17th of April, 1846 (which is one of the series), directed my predecessor to institute certain inquiries, with the aid of the Executive Council; but as it is perfectly impossible that I can, at this moment, carry that instruction into effect, and as Your Honour, from being on the spot, will at least be able, without trouble, to ascertain the real objects of the petitioners in their memorials to the Queen, I beg to recommend that you should take an opportunity of consulting with the most influential and best informed of the petitioners, in order to ascertain their views to the extent pointed out in Mr. Gladstone's despatch.

Those views, together with your own opinions on them, and, in fact, your general ideas on the whole question under discussion, I shall be glad to receive; and I will transmit them, through the medium of the Secretary to Government (that he may lay them before the Honourable the Executive Council, for any further observations which the members may wish to offer), to the Right Honourable the Secretary of State, for his consideration and commands.

I think that it will be desirable to obtain the information above referred to in writing, both because it will probably be more satisfactory to the Right Honourable the Secretary of State, and because it will prevent any future misunderstanding as to the wishes and meaning of the petitioners.

I have, &c.,

HENRY POTTINGER.

*Extract from Sir B. D'URBAN'S Despatch to Lord GLENELG, No. 22, dated 15th March, 1837.*

Referring to my despatch of the 2nd December last, I have now the honour to transmit to your Lordship a series of copies of my correspondence with the Lieutenant-Governor of the eastern districts of the colony, from his arrival to the end of the last year, in conformity with your Lordship's instructions of the 5th February, 1836.

No. 1.  
No. 2.

And here it appears necessary for me to draw your Lordship's attention to certain passages of these instructions, which, as compared with each other, and combined with the provisions of His Majesty's Letters Patent and Royal Warrant for instituting a Lieutenant-Government, and appointing a Lieutenant-Governor, in those districts, involve, as I think, an inconsistency not easy to be reconciled, rendering them, in that regard, practically inefficient.

The Letters Patent, the Royal Warrant, and a passage of your Lordship's instructions above cited, vest in the Lieutenant-Governor, within his district, all the powers—without exception or limitation—previously exercised therein by the Governor and Commander-in-Chief of the whole colony; while, in a subsequent passage of the instructions, the former is directed to obey the “lawful instructions” of the latter.

Hence arises the question,—what instructions can the Governor *lawfully* give? Or, what is the specific measure, or description, of *lawful* instructions to be given by him to the Lieutenant-Governor, who has been already vested with the full powers of “Governor and Commander-in-Chief” within the district of his separate jurisdiction? The Lieutenant-Governor is first made absolute, and independent of any other colonial authority, and then told to conform to the “lawful instructions” of one previously divested of all control over him!



I am free to acknowledge that I cannot reconcile these conflicting provisions, nor discover any essential purpose which they can be expected to effect; unless it be to impose upon the Governor, a joint responsibility (at least) for measures over which he can exercise no real control, by giving him the shadow of an authority of which he is altogether without the substance.

In such a relative position of the Governor with the Lieutenant-Governor, if it should happen that the latter is a person naturally disposed to resort to the former, upon all occasions of moment, for opinion, or to receive it submissively, the difficulty, perhaps, might be diminished; but even then, the result would be rather a voluntary following of suggestions, than an obedience to instructions. But if, as in the instance of the gentleman now holding the office of Lieut.-Governor (which your Lordship will see amply evinced in the annexed correspondence), it should be filled by an officer of great confidence in his own opinions, impatient of control or suggestion, and jealous, to a degree, of any interference with his authority,—then the imaginary power, thus ostensibly, but unsubstantially, given to the Governor of the colony is worse than useless, since the ineffectual attempt to use it can only tend to dissension between the respective executive authorities of the eastern and western divisions of the colony (the Governor being now virtually no more than the latter of these), and consequent prejudice to the interests of His Majesty's service.

5th February 1836.

The correspondence before your Lordship will serve to show that this, my view of the matter, is sufficiently borne out by recent experience.

In another part of the instructions above cited, your Lordship has been pleased to vest in the Lieutenant-Governor an independent *military power*, which I cannot but view as constituting an anomalous interference with the legitimate duties of the General Officer, specially appointed by His Majesty to command the forces in the colony, reducing the latter to the necessity (as it has in my case) of representing to the Commander-in-Chief of His Majesty's army, that he (the General Officer) cannot be justly held responsible for the military dispositions upon the frontier, made without his assent, and over which he has no control.

This embarrassing position has, as I think, been effected by your Lordship's instructions having applied the regulations, framed in 1824, for the small insular establishments of the West Indian Archipelago, to the Lieutenant-Government of the frontier districts of this colony; and the relative circumstances of these, respectively, being essentially different, with all deference to your Lordship's better judgment, the regulations made for the one appear to me, essentially and practically, inapplicable to the other.

In the collision of authority thus created between the Lieutenant-Governor of the eastern districts and the General Officer *specially appointed to command*, and, consequently, responsible for the disposition of His Majesty's forces *in the whole colony*, as in the anomalous points of civil government, adverted to in the former part of this despatch, existing between the Lieutenant-Governor and the Governor, the inconvenience to the service might alike be diminished, if the officer holding the civil Lieutenant-Government, not being himself a soldier, had, as might perhaps have been reasonably anticipated, evinced any disposition to submit, upon questions strictly military, to the professional opinions of the General Officer commanding the forces. But your Lordship will not fail to observe in the correspondence herewith before you, that, in the present instance, this is anything but the case; and that the Lieutenant-Governor avowedly prefers his own judgment upon such questions to that of the General Officer commanding; which latter, although I am far from thinking it infallible, has, at least, the support of some practical experience.

It has appeared to me very necessary (and, indeed, indispensable to your clear understanding of the accompanying correspondence) to bring under your Lordship's notice, the difficulties above described, in regard to the due arrangement and execution of the civil and military service of the colony, resulting from

the provisions under which they are now to be carried on ; and having done so, I proceed to the proposed subject of this despatch,—the continuation, namely, of that of the 2d December last (as referred to in its commencement) ; and I should have done this earlier, but that I have waited in the hope of being enabled, at the same time, to render it complete, by the addition of the treaties with the native tribes, which the Lieutenant-Governor had been instructed to prepare for my consideration in Council, and the subsequent pleasure of His Majesty's, in substitution for those of the 17th September, 1835, which your Lordship had been pleased to disapprove. In this hope I have been disappointed, as your Lordship will be aware by my correspondence with the Lieutenant-Governor, of which copies form the enclosure No. 2, and by the last letter of which, of yesterday's date, it will be seen that the deliberations of the Council upon these treaties have been again, for a third time, suspended, and their conclusions thereon further deferred, owing to the incomplete state of the documents submitted by the Lieutenant-Governor, which have not yet afforded the information indispensable to a just decision in so important a matter. No. 57.

Meanwhile, the delay thus imposed upon the Council, will not, in fact, be of any moment, since the Lieutenant-Governor, somewhat prematurely as it would seem, had not only "framed and prepared" the treaties in question, for reference to the Governor in Council, as had been contemplated in my letter of the 13th October (and, as I think, according to the intention of the instructions of the 5th February, 1836), but had at once, and before they had undergone any such reference, *concluded* them with the different chiefs, on the 5th December, and had, immediately thereafter, proceeded to carry them into effect, by placing the Kafir tribes concerned in possession of all the country which he had thereby ceded to them. The provisional and intermediate ratification of the treaties by the Council, therefore, as far as it may affect the actual position of the parties, will be but an *ex post facto* decision, they having been already carried into full effect.

I will therefore no longer withhold this communication, reporting the present stage of these transactions, and transmitting my correspondence with the Lieutenant-Governor to the end of the last year.

Upon all of this correspondence, with relation to the especial subject of this despatch (in continuation of mine of the 2d of December, already referred to), I am not aware that it can here be useful for me to offer to your Lordship further explanation than will be found in my letters to the Lieut.-Governor, numbered as in the margin.

Nos. 1, 2, 3, 4, 8, 10, 23, 25, 27, 30, 33, 43, 44, 58, 59.

I am sorry that my duty to His Majesty has compelled me to differ, upon some important points of opinion, from an officer expressly sent out by your Lordship, and acting—as I gather from some passages of his letters—in your especial confidence ; and, consequently, to dissent from the measures upon his part, which have been the result of his views of the subject. When I wrote to the Lieutenant-Governor my letter of the 13th October, a longer retention of the province of Queen Adelaide would have been at once dangerous and useless. Your Lordship's avowed determination to renounce it, long published and studiously disseminated, had already sapped the foundation of confidence and hope, as well upon the part of the border colonists, as of the *people* of the Kafir tribes, and of restraint and submission upon that of the *chiefs* and their body adherents, upon which the moral basis of that acquisition rested. The Lieutenant-Governor's arrival and assumption of the border administration, he being invariably regarded as the officer especially deputed to execute your Lordship's will in changing the existing system,—the summoning of Col. Smith to appear before a court of enquiry (to which I had been compelled), were inevitably imputed to his conduct having been disapproved ; his retiring from his command, which, however, if he had not been driven from it by your Lordship's published animadversions upon his conduct, he could not have continued to hold, with relation to the powers vested in the Lieutenant-Governor, "on either side the border," and finally the Lieutenant-Governor's conferences with the Kafir chiefs, followed by his premature evacuation of the most important No. 25.

No. 3, 17th September 1835.

See enclosure No. 1 of my Despatch No. 48, 19th Sep., 1836. 5th February, 1836.

Nos. 10, 12, 13, 19, 20.  
No. 57.

military posts and settlements in the province, had all combined to precipitate the necessity for its immediate abandonment; while the spirit and tenor of his letters to me (the correspondence adverted to in my despatch of 2d December) sufficiently proved, that with such opinions and such prejudices against the existing system, it would have been vain to expect that he could have efficiently continued its operation, by satisfactorily conducting the administration of the new province.

*Extract from Lord GLENELG's Despatch to Major-General NAPIER, No. 5, dated 13th November, 1837, with reference to Sir B. D'URBAN's Despatches, Nos. 22, 37, 47, 48, and 49, of 1837.*

You will have the goodness, immediately on your arrival in the colony, to give the necessary instructions for the arrangement of the future correspondence with the Lieutenant-Governor, under as many different heads as shall correspond with the various topics which he may bring under your notice; and as soon as any one discussion may have been closed, or may have reached a stage at which the merits of the question may have been rendered sufficiently clear to be intelligible at this distance, you will avail yourself of the earliest opportunity of transmitting copies of all despatches connected with it, for my information. I trust that these instructions are sufficiently clear to prevent the recurrence of the inconvenience under which I am now labouring. But my meaning may be rendered more explicit by the general remark, that it is necessary that Her Majesty's Government should receive the earliest possible information of every material measure which may be taken or contemplated on the eastern frontier, and of every discussion which may take place between you and the Lieutenant-Governor regarding any such measure.

I have stated that Sir Benjamin D'Urban's despatch of the 15th of March, and its voluminous enclosures, reached me on the 20th of June. It is therefore incumbent on me to explain why it has remained to the present time without an answer. Previously to its arrival, I had signified to Sir Benj. D'Urban, His Majesty's intention to confide to other hands the administration of the Government of the colony. I therefore could not, without manifest inconvenience, have pursued with him the discussion of questions affecting the first and highest interests of Her Majesty's settlements in Southern Africa. But even if this impediment had not existed, there was another, which opposed a still more conclusive objection to the prosecution of these topics, until the present time. At the period of Sir Benj. D'Urban's report of March last, every material question concerning the eastern frontier was still undecided. I was obliged to await his further communications in order to ascertain what arrangements had been made with the Kafir chiefs, and in what light those arrangements were regarded by him, and by the Executive Council of his Government. A short period only has elapsed since I became acquainted with the fact, that treaties were made with the Kafirs at the close of 1836, and that they had been ratified by the Council, in the month of June in the present year. It would have been worse than useless to have conveyed to Sir Benj. D'Urban any instructions touching these affairs, until I was made acquainted with the result of the negotiations in which I had directed the Lieutenant-Governor to engage.

I have entered into the preceding statements, not merely with the views already explained, but in order that I might convey to Lieutenant-Governor Stockenstrom information which he has the highest title to require from me. It is with sincere concern that I think of the mortification to which that meritorious officer must long have been subjected, by what must have appeared an unaccountable neglect on my part of his anxious and zealous labours in the very arduous post assigned to him. I perceive in his despatches to the late Governor, earnest and repeated solicitations that they might be communicated to me with the

utmost possible promptitude, accompanied by many strong appeals to me for support and assistance. The present, however, is the first communication from this office which he will receive, although before it can reach him he will have been for nearly eighteen months in the administration of his office. To acquit myself of this apparent neglect, and to reassure the Lieutenant-Governor, if he should have ascribed it to any failure in the respect due to him, I have thought it necessary thus fully to recapitulate the dates of Sir Benj. D'Urban's despatches, and of my receipt of them, and to explain the peculiar form in which they reached me.

On the perusal of the correspondence between the Governor and the Lieutenant-Governor, my attention has been unavoidably called to the controversial tone which pervades many of these despatches, and to the continual reference which the Lieutenant-Governor makes to the superior authority of the Secretary of State, for whose information he so often avows himself to be writing. This occasional departure from the usual character of official intercourse is indeed easily accounted for, by the fact of a complete and irreconcilable difference of opinion between the two parties, on matters of deep public interest; and as I am happy to think that no such cause can intervene to disturb the friendly relations which you are prepared to maintain with the Lieutenant-Governor, I am content to dismiss this unpleasant topic without further comment.

Sir Benjamin D'Urban, indeed, regards the new system of government as faulty in its conception; and, assuming it to be a literal transcript from that which exists in some of the smaller West India Islands, applies himself to show the inherent distinction between the two cases. I must, therefore, observe that the supposed identity does not really exist, and indeed, if it were worth while to trace the chronology of the system recently adopted at the Cape, I believe it would be found that the first suggestion of it preceded the adoption of a similar plan in the West Indies. But whatever may be the resemblance between the two systems, I had not overlooked the distinctions, which are at once numerous and of the highest importance.

I must add that nothing has yet occurred to convince me that the erection of the subordinate government at the Cape of Good Hope was ill-judged, either in its principles or in its details. The voluminous correspondence now under consideration justifies an inference directly opposite.

Sir Benjamin D'Urban, however, insists that the powers, whether civil or military, of the Governor and Lieutenant-Governor, are separated from each other by no clear line of demarcation, and urges that it is inconsistent at once to confer on the Lieutenant-Governor the whole powers of government within the eastern districts, and at the same time to require him to obey all the lawful instructions of the Governor-in-Chief. It appears to me that this difficulty has no real existence, either in theory or practice. The theory is, that in any adequate emergency, the Lieutenant-Governor should be directed and controlled by the Governor-in-Chief, in whatever relates to the employment of his legal powers. There is no more contradiction here than in the rule which subjects the Governor himself to the superintending authority of the Secretary of State. In practice, I perceive that Lieutenant-Governor Stockenstrom, so far as I can collect from the documents before me, has, in general, solicited the sanction of Sir Benjamin D'Urban for all his official acts, and that sanction has been given or refused, as the occasion appeared to Sir Benjamin D'Urban to require. Whether the Lieutenant-Governor may or may not have occasionally dispensed with a previous reference, which he ought to have made, for instructions, or whether the Governor may or may not occasionally have initiated measures which ought to have been taken in the first instance by the Lieutenant-Governor, are questions which, however strongly pressed on my notice, I decline to discuss. They are no longer of any practical moment. But even assuming that the rules laid down for their guidance had thus been infringed by both parties, it certainly would not follow that those rules were obscure, impracticable, or defective.



I see still less reason to regard the limits of the military authority as inadequately defined.

The powers of a Civil Governor over the troops within his Government are undoubtedly vested in Lieutenant-Governor Stockenstrom in respect of the troops within the eastern districts of the Cape of Good Hope. But, in the exercise of this power, he acts under the control of the Governor-in-Chief. In your civil capacity, it will be competent to you to correct any ill-advised orders, which the Lieutenant-Governor may address to the Lieutenant-Colonel in command of the troops in the eastern division. In your military capacity, you will issue to the Lieutenant-Colonel, and through him to all the officers and men under his command, whatever orders you may think necessary respecting the discipline, the internal economy, and the management of the Queen's land forces. Under every system which it is possible to establish, and under any rules which human foresight can devise, there may of course occur unexpected and debatable questions. But the general principle being ascertained by Lord Bathurst's instructions of 1824, I think that if the Governor and Lieutenant-Governor shall proceed to the discharge of their respective duties in a spirit of cordiality and mutual confidence, no difficulty can present itself for which those instructions will not furnish a solution.

No. 218.

Downing-street, 26th May, 1845.

Lieutenant-General Sir P. MAITLAND, K.C.B.,

&c. &c. &c.

SIR,—I have received your despatches of the 13th and 20th March, 1845, numbered 53 and 57, respecting Colonel Hare's retirement from the office of Lieut.-Governor of the eastern districts of the Cape of Good Hope.

You will apprise Colonel Hare that the necessary arrangements will be made for relieving him from the duties of his office, by the time suggested by himself; but I am not able to determine with confidence, whether it will be necessary to appoint a successor to him, or, if so, whether it would be desirable that his successor should be sent from this country. A sufficient time has now elapsed since the creation of the office of Lieutenant-Governor of the eastern districts to have brought to the test of experience the real advantage of maintaining such an establishment. During that interval, also, material changes have taken place in the circumstances of the colony, and especially in our relations with the Kafir tribes, and these changes may, perhaps, have induced new views and opinions as to the manner in which the administration of the government of the eastern districts should be conducted. Colonel Hare himself, indeed, would seem to have entertained some doubt whether his office might not be properly abolished, and the duties of it transferred to the Government at Cape Town.

You will report to me your opinion, as soon as may be practicable, on the whole subject, and I shall then be able to decide on the measures to be taken upon Colonel Hare's retirement.

I have, &c.,

STANLEY.

No. 149.—Executive.

Government House, Cape of Good Hope,  
24th October, 1845.

The Right Honourable the Lord STANLEY,  
Secretary of State.

MY LORD,—In obedience to your Lordship's instructions, conveyed to me in Despatch No. 218, 26th May, 1845, I have apprised Colonel Hare that the necessary arrangements will be made for relieving him from the duties of his office by the time suggested by himself, viz., in March following.



I now have the honour to report to your Lordship, as required in the same despatch, my opinion on the office of Lieutenant-Governor of the eastern districts, with reference to the question of its continuance or abolition.

The office may be regarded in three points of view:—1st, as connected with the relations between the colony and the native tribes beyond, especially the Kafirs on the eastern frontier; 2ndly, as connected with the civil administration of the eastern districts; and 3rdly, in a mere financial point of view.

The first aspect I consider to be the most important, as by far the greatest difficulty in the government of the eastern province is created by its contiguity to the Kafirs, and liability to their marauding incursions. Looking, then, on the office, as designed to work out the objects of the treaties with the native tribes, and thereby to maintain the security and peace of the frontier, I cannot hesitate to express my opinion, that it has not succeeded, but that, when tested by experience, it must be pronounced to have failed in no small degree. I think that the office itself, as actually constituted, has too much of the centralisation and immoveability of a governorship, and too little of the ready applicability and active suppleness of a particular agency, to meet the varying exigencies of administration of our frontier policy. This defect is unavoidably inherent in its constitution, which necessitates the general presence of the Lieutenant-Governor at the seat of his Government, to transact the civil business of the eastern districts. Hence there is little direct contact of the Lieutenant-Governor with the administration of the frontier policy, but it is conducted by subordinates, nearly as much as if they had no superior in Graham's Town.

Besides this defect of pliancy and unincumbered activity in the office itself, as regards the Kafir branch of its functions, the practical result of the position of the Lieutenant-Governor has been, that all frontier questions, almost without exception, even down to the minutest arrangements, are referred for decision to Cape Town, the Lieutenant-Governor being merely the organ of their transmission from the diplomatic agents, or other subordinate officers.

The consequence is, that the advantages which might be supposed to arise from having an authority on the spot to determine all emergent matters, without the delay of reference, and with the benefit of a near acquaintance with the particulars, do not exist in practice. So strongly do I feel the present deficiency of agency in the frontier system, and the necessity for an active officer, whose sole business it shall be to superintend the working of the treaties, and who should be readily moveable to all points of the frontier where his presence may be desirable, that, with the advice of my Executive Council, as I shall shortly report to your Lordship, I am now making arrangements for reviving, with enlarged powers and wider scope of duty, the office of Agent-General, under the designation of Frontier Commissioner and Agent-General, in accordance with the intimation which I last year made to your Lordship.

With this functionary on the spot, and two posts per week between the frontier and Cape Town, which will be the case from the first of January next, I consider that the removal of the Lieutenant-Governor would have no detrimental effect on the conduct of our relations with the Kafir tribes.

The second aspect of the office of Lieutenant-Governor, I consider to be less important, and to have derived the importance which was originally attached to it, from circumstances which are rapidly disappearing, through the increased facilities of communication.

It might appear, at first sight, that most of the business of the eastern districts could be more conveniently and expeditiously transacted in the Lieutenant-Governor's office, but, in point of fact, owing to causes which grow almost necessarily out of the subordinate and peculiar relation which that office bears to the Colonial Office in Cape Town, most matters of any consequence are sent to me before decision.

The post from Cape Town to three of the districts in the eastern division of

the colony, is now received in those districts several days sooner than when it is sent through the Lieutenant-Governor in Graham's Town, and when the double weekly post is established, the Governor will be enabled to communicate as quickly with all places in the eastern division of the colony, excepting the neighbourhood of Graham's Town, as the Lieutenant-Governor now does from the seat of his government. There is also a disadvantage in the transaction of the financial business of the eastern and western districts in two separate offices. It prevents a uniform system of superintendence, and impedes the application to the eastern province of that strict supervision of public expenditure which is now, with great success and benefit to the public service, exercised over the western districts by the Colonial Office in Cape Town.

It might be imagined that the chief bearing of the Lieutenant-Governor's office on the administration of the eastern districts, would lie in the promptness with which instructions could be issued by His Honour, to meet all unforeseen questions beyond the common routine of business. But practically, the office has no such efficiency. As I have already remarked with respect to questions of frontier policy, so also I must observe of all affairs of the eastern province which demand a responsible decision, that they are referred to the Government in Cape Town for determination; and I must add, that with an active superior Government, it can hardly be otherwise, but that this inefficiency of the inferior office seems to grow naturally out of its peculiar relation to the general government of the colony.

In a financial point of view, a large saving would be effected by reducing the office, the estimate for it for the next year amounting to £2915; and although this in itself is no argument against its continuance, yet the fact may not be immaterial, when your Lordship weighs the efficiency of the office against its cost. Nor can I omit to remind your Lordship, that the revival of a particular agency for the working of the Kafir treaties, which I deliberately consider necessary, whatever Her Majesty may determine respecting the Lieutenant-Governorship, will add an item of expenditure of about £700 per annum to the expenses of our frontier policy.

Thus far I have put your Lordship in possession of the opinion which I have formed from observation of the working of the Lieutenant-Governor's office, an opinion in which the members of my Executive Council agree with me. It is right that I should also state, that in the discussion in the Legislative Council of the estimates for 1846, one of the un-official members moved, and was supported by all the others, that the entire estimate for the Lieutenant-Governor's department should be omitted, and that the motion was not pressed, on the understanding that the subject was under the consideration of Her Majesty's Government.

In fact, the general opinion of the public at both ends of the colony, as exhibited by the press, is to the effect that the office has failed, but the expression of the sentiment is marked by this difference, that, down here, its total abolition is demanded, but at the eastern end, its reconstitution in greater efficiency,—a difference which is, perhaps, to be accounted for by a natural reluctance to be deprived of the benefit of the local importance connected with the office.

On the whole, I have the honour to state, that as I could not of my own mere motion have undertaken the responsibility of advising the abolition of the office, so neither, when called on by Her Majesty's Government for a report of my opinion on the whole subject, can I undertake the responsibility of recommending its continuance.

I have, &c.,

P. MAITLAND.

No. 190.—Executive.

Government House, Cape of Good Hope,  
27th December, 1845.

The Right Honourable the Lord STANLEY,  
Secretary of State.

MY LORD,—I have the honour to transmit to your Lordship the enclosed petition, addressed to the Queen in Council by certain inhabitants of the eastern province of this colony, relative to the continuance of the office of Lieutenant-Governor of that province.

I have already expressed to your Lordship my opinion of the efficiency of the office as at present constituted and empowered. I would now only point out, that what the petitioners ask for, is not a continuance of the office, such as it now is; but an essential change in its constitution, by such an enlargement of its powers as to make it an independent Government. They urge that it is highly expedient that "the Lieutenant-Governor should be armed with enlarged powers, and that he should exercise a jurisdiction in all matters connected with the administration of the Government of his province, perfectly independent of control by the Governor at Cape Town;" and again, that he should have "a separate and independent jurisdiction," and be invested with "independent and enlarged powers, enabling him to act on his own responsibility."

Your Lordship will perceive how the tone of this petition bears out my statement, that while one end of the colony is for the abolition, and the other for the continuance of the Lieutenant-Governorship of the eastern province, all join to condemn the office under its present constitution as inefficient, and not suited to the necessities of the province. As regards the conflicting opinions of the two portions of the colony, the question, in fact, lies between the division of the colony into two virtually separate and independent Governments, and the placing of the whole colony directly under the supreme Government, without the intervention of a Lieutenant-Governor in respect of any part of it.

The appointment of a frontier commissioner, although it must have been well known to the petitioners, is not alluded to by them. The letter notifying the appointment and the instructions given to that officer, which I recently transmitted for your Lordship's approbation, will make it, I think, appear to your Lordship, that, as relates to the security of the border, his agency will probably be far more efficient than that of the Lieutenant-Governor could be, with the encumbrance of other duties occupying his attention.

See Despatch No. 177,  
of 1st December, 1845.

I have, &c.,

P. MAITLAND.

*Enclosure to Despatch No. 190, 1846.*

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

The humble petition of the undersigned, agriculturists, merchants, landholders, and other inhabitants of the district of Albany, in the eastern province of the Cape of Good Hope.

HUMBLY SHEWETH,—

That petitioners have seen with surprise, not unmingled with apprehension, a report of a discussion in the Legislative Council of this colony, on the subject of the abolition of the office of Lieutenant-Governor of the eastern province of this settlement, grounded on the inutility of that office in the promotion of the general interests of this portion of Your Majesty's dominions.

The petitioners deem it their duty to transmit to Your Majesty in Council this their protest to such contemplated innovation. In doing so, they beg humbly to state, that so far back as the year 1826, this settlement was visited by commissioners of inquiry, appointed by his late most gracious Majesty, George IV, and who, after a careful examination of the circumstances of the province, and more especially of the relations existing between the colony and the Kafirs, and other native tribes on and beyond its eastern boundary, set forth distinctly in their report, dated September 6th, of the year aforementioned, that in their opinion, great public advantage would accrue, were "a chief magistrate appointed for the eastern province of this colony, uniting in his own hands and directing the civil and military authority."

That notwithstanding this strong and emphatic recommendation by those so well qualified to give a sound opinion on the subject, such appointment was not made; nor other precautionary measures taken, as then suggested; and the result was, that in the year 1834 the eastern province was overrun by numerous hordes of natives from beyond the eastern boundary; the whole country was laid waste by them; many of Your Majesty's peaceful subjects were slain; immense property in cattle and other farming stock was swept away or destroyed; whilst this tide of invasion was not rolled back until an expenditure had been incurred of £300,000 of public money, independently of the large amount of private property then wasted and destroyed.

That after the occurrence of this fearful calamity, and the necessity for this large outlay of public money, it was deemed expedient to act upon the recommendation made ten years antecedently by the commissioners of inquiry a Lieutenant-Governor for the eastern province of this colony was appointed by his late most gracious Majesty; an additional military force was stationed on this border, and such relations entered into with the Kafir tribes as it was hoped would secure the inhabitants against the recurrence of so great a disaster.

That petitioners would bring under Your Majesty's notice that they are totally unrepresented in the Legislative Council of this colony; that the seat of Government is more than 600 miles distant from the eastern boundary which separates the colony from the warlike and restless Kafir hordes, comprising a population of at least 400,000 souls, the male part of which are, from their infancy, trained to predatory habits and the use of arms; and that communication with Cape Town, the seat of Government, is at certain seasons both tedious and difficult.

That petitioners are fully persuaded that the office of Lieutenant-Governor cannot be abolished without manifest injury to the public service, and serious danger to the inhabitants of this exposed province. That petitioners are, moreover, of opinion that the causes which led to the appointment of a Lieutenant-Governor not only still exist, but that they exist in greatly increased force; so that instead of abolishing the office, it is in their opinion highly expedient, as well on the score of economy as of public security, that the Lieutenant-Governor should be armed with enlarged powers, and that he should exercise a jurisdiction, in all matters connected with the administration of the Government of his province, perfectly independent of control by the Governor at Cape Town, who from his distance is constantly liable to erroneous impressions, and, as a consequence, to adopt measures at variance with the real merits of continually recurring exigencies, and inimical to the true interests of Your Majesty's subjects in this province.

That it is admitted by all conversant with the public affairs of this colony, that the great difficulty in its right government is to be found in its relations to the numerous native tribes which are constantly pressing upon it from the eastward; that these tribes are rapidly increasing in number; are possessing themselves of more destructive weapons; and are acquiring that kind of knowledge which will make them, as an enemy, far more formidable than heretofore;—that it is therefore, in the opinion of Your Majesty's petitioners, of the utmost moment that a Lieutenant-Governor should be on the spot, prepared to deal with difficulties as they may



arise, and armed with authority to act promptly and decisively upon his own responsibility, without the delay which must necessarily be occasioned by reference to Cape Town for instructions from a superior officer; the consequences of such delay, on the last irruption of the Kafir hordes into the colony, having involved a loss of property and an expenditure of public money sufficient to defray the cost of the entire establishment of a Lieutenant-Governor for more than a century.

That petitioners beg humbly to state their conviction to Your Majesty in Council, that besides the great importance of the relations with the native tribes, the eastern province of this colony has,—from the rapidly increasing value of its commerce; the amount of its exports of raw produce to the parent country, and particularly of fine wool, the value of which this year will amount, it is calculated, to £100,000 sterling; its large consumption of British manufactures; the greatly augmented amount of capital invested in buildings, machinery, stock, and improvements of various kinds; together with the great extent of the province, the amount of its population, and the growing intelligence of the community at large,—a just claim to the presence of an officer with a separate and independent jurisdiction, who shall be charged with the welfare of the settlement, and empowered to adopt those measures which, sanctioned by Your Majesty, may best conduce to its permanent prosperity, the extension of British interests, and the maintenance of the honour of Your Majesty's crown and government.

That petitioners have deemed it expedient to append to this, their humble petition, for the information of Your Majesty in Council, and in support of their allegations, returns showing the amount of population of this province, its geographical area, its annual exports of raw produce to the British markets, and its yearly imports of British manufactured articles. Petitioners humbly trust that these returns, with the other allegations set forth, will indisputably show that they are entitled to that consideration which they now most earnestly pray may be shewn them, by conceding more liberal institutions than heretofore enjoyed by this province, and investing the Lieut.-Governor with independent and enlarged powers, enabling him to act upon his own responsibility, with that promptitude and decision which petitioners are persuaded will tend most effectually to uphold Your Majesty's government,—afford the best chance of security to all classes,—and advance most effectually the political, social, and commercial interests of this valuable portion of Your Majesty's dominions.

And petitioners, as in duty bound, will ever pray.

## APPENDIX.

Population of the Eastern Province of the Cape of Good Hope, at the commencement of the year, 1845.

Name of District.	Area in square Miles.	WHITES.		COLOURED.		ALIENS.	Total Population.
		Males.	Females.	Males.	Females.		
Albany .....	2408	4406	4320	3329	3291	6500	21846
Uitenhage .....	8960	2469	2159	3393	2998	96	11115
Somerset .....	4000	1638	1535	878	878	2967	7896
Cradoek .....	3168	1850	1800	2085	1810	....	7595
Graaff-Reinet ...	8000	1898	1897	1884	1954	856	8489
Colesberg .....	11654	2121	2002	1692	1570	1613	8998
	38190	14383	13713	13361	12551	12032	65939



Statement of the Number and Tonnage of Vessels Inwards and Outwards at Port Elizabeth, EASTERN PROVINCE of the Cape of Good Hope, for the year ending 5th January, 1845 :—

INWARDS.			OUTWARDS.		
	No. of Ships.	Tons.		No. of Ships.	Tons.
Direct.....	53	11,967	.....	47	10,935
Coastwise.....	45	7,659	.....	45	7,819
Total Inwards ..	98	19,626	Outwards, 92		18,754

Value of Importations by the EASTERN PROVINCE of the Cape of Good Hope, for the year ending 5th January, 1845 :—

Goods entered for Consumption .....	£139,559
Do. do. Warehoused .....	9,624
Total value direct Importations .....	£149,183

Value of Exports from the EASTERN PROVINCE of the Cape of Good Hope, for the year ending 5th January, 1845 :—

	Colonial.	Not Colonial.	Total.
Direct.....	106,618	4,498	111,116
Coastwise.....	27,775	3,481	31,256
Total.....	£134,393	£7,979	£142,372

Comparative Value of the Exports of Staple Produce from the Eastern and Western Divisions of the Cape of Good Hope, for the year ending 5th January, 1845 :—

EASTERN PROVINCE.		WESTERN PROVINCE.	
	Value.		Value.
Wool .....	£76,809	Wine .....	£55,424
Hides .....	20,331	Wool .....	36,698
		Hides .....	7,560
Total.....	£97,140	Total .....	£99,682

No. 3.—Executive.

Government House, Cape of Good Hope,  
2d January, 1846.

The Right Honourable the Lord STANLEY,  
Secretary of State.

MY LORD,— I have the honour to transmit to your Lordship the enclosed petition, addressed to Her Majesty in Council, by the Uitenhage and Albany Agricultural Association, praying that the office of Lieutenant-Governor of the eastern districts of this colony may not be discontinued, but may be invested with larger powers, and rendered independent of the Supreme Government of the colony.

I must repeat the remark which I lately made, when transmitting a similar petition from the inhabitants of the frontier, that the petitioners, although perfectly aware of the appointment of the Agent-General and Frontier Commissioner, who has already entered on his duties, have taken no notice of this strengthening of our present frontier policy, but make statements as if, in the event of the removal of the Lieutenant-Governor, no compensation would be otherwise made for the absence of his authority.

I have, &c.,

P. MAITLAND.

## TO THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

The humble Petition of the Uitenhage and Albany Agricultural Association,  
SHEWETH,

That this association view with feelings of surprise and regret the efforts of the Legislative Assembly at Cape Town, to abolish the office of Lieutenant-Governor of the eastern province of this colony. The office having been instituted nine years ago, for the express purpose of administering more effectually the government of so large a section of this colony, this association can discover no just ground for the contemplated abolition. It appears that the objects for which the appointment was originally made continue in operation,—that during the abovementioned period the limits of the colony on the north and north-east have been considerably extended, and our relations with various native tribes have become more complicated, than when the office was first created. That with an increase of British population, the trade and resources of the frontier districts have been more largely developed, and the amount of British capital invested in fixed and moveable property in the said districts has been, at the lowest calculations, trebled within the same period.

This association beg respectfully to state their conviction, that peace with the various Kafir and other tribes, situated on the north and north-east borders, is of paramount importance to the farmer and the trader. In adverting to peace, they cannot recognise in their present equivocal relation with some of the Kafir tribes, the marks and conditions of a sure and peaceful state; and they entertain the opinion, founded upon dear-bought experience, that peace with the Kafir tribes can only be maintained by a vigilant and energetic government, prompt to acquire a knowledge of the character and resources of each chief, and prepared to act upon that knowledge, whenever a clear and justifiable cause of intervention shall arise.

In a period like the present, when the parent country is in the enjoyment of profound peace, it is impossible for this association to be unmindful of the vicissitudes to which the condition of the most favoured states is liable. With a very long line of coast assailable on many points, it may be permitted to this association, with deference to suggest, that such a season of peace as the present may be beneficially employed in strengthening the hands of the government of this eastern province, to meet any emergency of a domestic or external nature; and for the more effectually carrying out this object, this association, far from desiring any reduction or limitation of the powers at present vested in the Lieut.-Governor of this province, do cordially unite to recommend the appointment of such an additional number of functionaries, in connexion with a responsible and independent head, as will impart to this government that degree of vigour, stability, and efficiency, which will in some degree compensate the inhabitants of the eastern province for the want of a representative government; assist to establish and consolidate Her Majesty's new acquisition of territory situated in the more remote parts of the colony; and to uphold the credit of the British nation. Anything short of this, the association believes will justly lead to dissatisfaction on the part of the frontier inhabitants, whilst the tendency of the proposition to lessen the power of the Lieutenant-Governor of these provinces, will be to cause weakness in every department of the Government of this Colony, and create a feeling of insecurity and want of confidence in the wisdom and integrity of the colonial authorities.

And your petitioners as in duty bound will ever pray. Signed, in behalf of the members of the abovenamed association,

CHAS. J. FAIR, Chairman.

Sidbury, Cape of Good Hope,  
19th December, 1845.

No. 14.

Downing-street, 13th January, 1846.

SIR PEREGRINE MAITLAND,  
&c. &c. &c.

SIR,—I have to acknowledge the receipt of your despatch No. 149, of the 24th October, addressed to my predecessor, stating that you have apprised Colonel Hare that the necessary arrangements would be made for relieving him, in the month of March next, from the duties of his office of Lieutenant-Governor of the Eastern Province of the Cape of Good Hope, and reporting your opinion in regard to the continuance of that office.

It is not my intention at present to recommend the appointment of a successor to Colonel Hare, and my impression from the information before me is, that the office may properly be abolished.

I have, &c.

W. E. GLADSTONE.

No. 60.

Downing-street, 17th April, 1846.

SIR PEREGRINE MAITLAND,  
&c. &c. &c.

SIR,—I have received your despatches dated the 27th of December, 1845, and the 2nd of January, 1846, numbered respectively 190, and 3, enclosing certain petitions addressed to the Queen in Council, respecting the continuance in office of Lieutenant-Governor of the Eastern Districts of the Cape Colony. I have laid these petitions before the Queen, who was pleased to receive them very graciously. This, however, is not a subject on which Her Majesty can be advised to invoke the assistance and advice of Her Privy Council.

In deliberating on the advice which it might be proper to tender to the Queen on the subject to which these petitions refer, I have been impeded by a deficiency of information, for which I have referred, without success, to your despatches and to their enclosures. First, the substitution of the office of Frontier Commissioner for the office of Lieutenant-Governor may be, to a great extent, a nominal change merely, and unattended with any important change in substance; or, as I am inclined to believe, the office may be as new in its functions as in its designation. But to what precise extent there will be any subtraction from pre-existing authorities, and a consequent diminution of the resources for good and effective government, is a question to which I am unable to find any precise answer.

Secondly, the petitioners allege that, in the local legislature as now constituted, there is no person to represent the interests, to explain the wants and the wishes, or to protect the rights of the eastern districts. How far this statement is well founded, I do not know; nor can I ascertain whether, if the evil really exists, it admits of any effectual remedy which would be consistent with the maintenance, in their present form, of the Central Government and Legislature at Cape Town.

Thirdly, the petitioners demand various new establishments. But they do not explain the nature of them, nor have they framed any estimate of the expense attendant on such an innovation. This is a subject on which it would seem necessary that you should call on them for explanations. Whenever Her Majesty's Government are in possession of them, we shall be far more competent, than at present, to approach and decide the main question. Finally, although it might not, perhaps, be expedient to accede to the requests of the petitioners in their present form, it would not therefore follow that no concession should be made. It would seem, at least, possible that some compromise might be found between the absolute centralization of all local government at Cape Town, and

the establishment of what would virtually be a separate colony, having the seat of Government at Graham's Town. Without undertaking to assert that such an arrangement could be made, I am at least unable to assert with confidence the impracticability of it.

In short, the whole question seems to me to admit of, and to deserve, a much more copious inquiry than would appear to have been bestowed on it. You will apply to the Executive Council for their aid, citing before them such witnesses from the eastern district, for their aid in conducting that inquiry, as can conveniently attend, in support of the allegations and prayers of these petitions; and you will in due time report to me the result, for Her Majesty's information. The petitioners should be informed that, pending these inquiries, the answer to their petition must be suspended.

I have, &c.,

W. E. GLADSTONE.

*Extract of a Despatch from the Governor Sir P. MAITLAND, to the Secretary of State, No. 180, of the 16th October, 1846.*

The Right Honourable the Earl GREY,  
Secretary of State.

And as I find that the despatch of the 13th January contemplates no immediate appointment of a successor to Colonel Hare, the office remains vacant, and the business of the eastern districts is temporarily transferred to the Colonial Office in Cape Town.

Mr. Gladstone's later despatch, No 60, 17th April, reached me some time back; but, in the present posture of affairs, it is impossible for me to institute the inquiries and obtain the information therein desired.

At present I can only say, that while I adhere to my opinion that the ordinary civil business of the eastern province can be conducted with as great facility in Cape Town as in Graham's Town, I am convinced that our border system, which is something superadded to the internal social system, requires the presence and personal superintendence of an active responsible officer, invested with considerable powers, and able to give the greater part of his attention to it.

I held that the Lieutenant-Governor was too much occupied with the business of his province, and made thereby too stationary at his seat of Government, to work out effectually our border system. On that account, I had recourse to the appointment of a Frontier Commissioner, to be solely occupied with affairs relating to the Kafir tribes; and whose powers I should have proposed to increase materially, had the Lieutenant-Governorship been abolished, as then seemed probable.

It might be worthy of consideration, whether in case Her Majesty's Government approves my plan of occupying a tract of country, outside our present border, with organised coloured settlements, the officer to conduct our border policy might not have a jurisdiction or government over this new territory assigned to him, with extensive powers of immediate action.

I cannot, however, hold out to Her Majesty's Government the hope that such an appointment would at all satisfy the frontier inhabitants, who petitioned the Queen at the close of last year for the independence of the Lieutenant-Governor's office. Their declaration, I believe, is that they cannot be satisfied with less than a Government independent of the Government in Cape Town, or the translation to their end of the seat of the Government of the whole colony. On the propriety of separating the provinces, and forming two colonies, having Governments independent of each other, it is entirely for Her Majesty's Government to decide. But as to the other alternative, the removal of the seat of Government to the eastern end of the colony, because of the difficulties of our border policy, my opinion is, that it would be attended with no advantages suffi-

cient to compensate for the abandonment of a locality, which by nature, and the occupation of two centuries, has been constituted and confirmed the key and metropolis of the colony. I would resemble it to such a measure as the transference of the Imperial Government and Legislature to Dublin, because of the peculiar difficulties besetting the administration of Irish affairs.

The only other remark which I have at present to make, refers to the complaint of the petitioners noticed by Mr. Gladstone, that they are not in any way represented in the Legislative Council. It is quite true that the unofficial members are now all residents of western districts. But I am aware of no other reason for this, than that no resident of the eastern province can find it consistent with his private interests to spend sufficient of his time in Cape Town for legislative purposes. To be called to the Council in Cape Town, I apprehend, is not what they want, but to have the Council brought to them, or to obtain an independent Council of their own.

No. 1.—Legislative Council.

Government House, Cape Town, 4th February, 1847.

The Earl Grey.

MY LORD,—I have the honour to report to your Lordship, and to recommend for Her Majesty's gracious confirmation, the appointment by me of Mr. Thomas Butterworth Charles Bayley to be an unofficial member of the Legislative Council of this colony.

In the 6th article of the royal instructions, with which I was honoured on leaving England, Mr. Henry Cloete, Lawrence's son, is named by Her Majesty to be one of the unofficial members; but Mr. Cloete being absent from the Cape, and also holding office as Recorder of Natal, he cannot, for both these reasons, take his seat in the Council; and I have therefore nominated Mr. Bayley to fill the vacancy.

It is proper I should mention that Mr. Bayley has been officiating as a member of the Council since the 10th December, 1845, but that his appointment has not been confirmed by Her Majesty as stated in Mr. Gladstone's despatches, No. 59 and 60, of the 14th and 17th April, 1846. I have, nevertheless, deemed that it accorded with Her Majesty's pleasure that there should be five unofficial members of Council; and I respectfully trust that the step I have taken, under that impression, will be approved.

I find that the two despatches to which I refer have not been specifically answered; but the objection to confirm Mr. Bayley's appointment appears to me to be virtually met by the enclosed extract from my predecessor's despatch, No. 180, of the 16th October last, and I may add that, so far as I am yet informed, I entirely concur in the tenor of that extract. This is, however, a question of such vital importance to the future administration of this colony, that I do not at this moment feel competent to offer a final opinion upon it.

I have, &c.,

HENRY POTTINGER.

(CIRCULAR).

Cape of Good Hope, Eastern Districts.

Government Office, Court House, Graham's Town, 26th June, 1847.

SIR,—In December, 1845, there was forwarded to Her Majesty in Council, a petition from the agriculturists, merchants, landowners, and other inhabitants of the district of Albany, praying that more liberal institutions should be conceded to the eastern districts; that enlarged powers and an independent jurisdiction in all matters connected with the administration of the districts should be conferred on the Lieutenant-Governor; and in January, 1846, there was also forwarded to



Her Majesty in Council, a petition of the Uitenhage and Albany Agricultural Association, recommending the appointment of such an additional number of functionaries, in connection with a responsible and independent head, as would impart to the Government of the eastern districts, the vigour, stability, and efficiency of which it stands in need.

With the concurrence of His Excellency the Right Honourable the Governor, I take leave to address myself to you, in order to obtain such support of the allegations and prayers of these petitions as your local knowledge, experience, and stake in the eastern districts, qualify you to afford.

The Secretary of State, under date the 17th April, 1846, states that in deliberating on the advice which it might be proper to tender to the Queen on the subject to which these petitions refer, he has been impeded by a deficiency of information, and that it is not ascertained by any information transmitted from hence, whether, if the evil really exists, of an absence of representation in the local Legislature of the wants and wishes and rights of the eastern districts, that evil admits of any effectual remedy which would be consistent with the maintenance of the central Government and Legislature at Cape Town.

The Secretary of State further observes, that the petitioners demand various new establishments, but they do not explain the nature of them, nor have they framed any estimate of the expense attendant on such an innovation; and that whenever Her Majesty's Government are in possession of the requisite information, they will then be far more competent than at present to approach and decide the main question.

The Secretary of State also adds, that it seems possible that some compromise might be found between the absolute centralization of all local government at Cape Town, and the establishment of what would virtually be a separate colony, having the seat of Government at Graham's Town; and that, without undertaking to assert that such an arrangement could be made, he is at least unable to assert with confidence the impracticability of such a compromise.

I feel it my duty to add for your information, that the following statement has been recently submitted to my notice, as constituting conclusive proof that the eastern province cannot at present afford to maintain a separate Government, viz.:

Statement of the Revenue and Expenditure of the two Provinces for the years 1846, 1847, and 1848.

1846.

Actual revenue for 1846, collected in the western province	£150,708
Do. do. eastern province	43,445

Actual expenditure in 1846.

For the general Government, and common to both provinces	125,080
Expended for local departments, &c., in the western province	35,152
Expended for local departments, &c., in the eastern province	28,628

1847 and 1848.

Estimated Revenue for 1847 and 1848.

To be collected in the western province . . . .	£119,116	£131,137
To be collected in the eastern province . . . .	40,507	39,210

Estimated Expenditure for 1847 and 1848.

For general Government, and common to both provinces . . . . .	£65,969	£71,741
Local departments in western province . . . .	56,749	61,066
Local departments in eastern province . . . .	39,135	43,108

It has also been represented to me that the establishment in the eastern districts, of a Registrar of Deed's office, a Surveyor-General's office, and a Board for the care and maintenance of public main roads and bridges, are not necessary or expedient—the objects to be attained by such institutions being sufficiently provided for under the existing central Government at Cape Town.

Sir Andreas Stocken-  
strom, Hart, Pringle,  
Nourse, Collett, Wain-  
wright, Trollip, Jou-  
bert, Van der Walt,  
Stokes, Meintjes, Pap-  
enfus, Van der Merwe,  
Naude, Pretorius,  
Southey, Brooks, Gris-  
brook, Blakeway, Bo-  
vey, Vowe, Gilbert,  
Bowker, Heugh, Van  
der Riet, Lungley,  
Fleming, Chase, Fair,  
Maynard, Wienand,  
Thompson, Joseph,  
Pohl, Rice Smith,  
Hutchinson, Kirk-  
wood, Dr. A. Camp-  
bell.

For the purpose then of instituting that copious enquiry which the importance of the subject requires, I have written to invite the evidence of the other influential and well-informed colonists of the eastern districts, whose names are noted on the margin. I shall be prepared to receive your written report, and theirs, either individually or collectively, as may best suit your mutual convenience; and I beg to add, that if for the purpose of preparing and maturing your report, it shall seem to you expedient to meet and confer with each other, and with me, at Graham's Town, I shall be happy to do all in my power to facilitate the objects of such a meeting.

You will oblige me by understanding, that in selecting the names mentioned in the margin, my recent acquaintance with the province may have led me, inadvertently, to omit reference to others of the colonists and petitioners equally competent to benefit me by their evidence and counsel, and that if any such omission occurs to you, you will do me the favour to rectify it by assuring the parties of my willingness respectfully to receive, and attentively to weigh, any statement bearing on the subject, which they may be disposed to favour me with, in writing.

I cannot, however, too plainly and firmly assure you, that my participation in the discussion will be scrupulously limited to a conscientious balance of the evidence adduced, without any feeling of partizanship in favour of the independence of the eastern province Government, or any antagonism against the form of the existing central Government at Cape Town; and this disposition of mind, which, official duty cogently enjoins on me, will, I trust, be equally cherished and acted on by you, from motives of enlightened patriotism.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

## MEMORANDUM.

Fort Peddie, May 14, 1847.

The Honourable the Secretary to Government.

I send a letter and its accompaniments from the Lieutenant-Governor, urging the necessity for the appointment of a resident magistrate at Fort Beaufort, in which opinion I most fully concur. The Kat River Settlement alone would require such an officer to be stationed near it. It is, at this instant, in a state bordering on rebellion, and of total disorganisation. I propose to appoint Captain Biddulph superintendent of it, as a temporary arrangement; and with his assistance, and the extended powers proposed to be given to Mr. Borchers, it may yet be turned to some account. Now, it is equally a burden and a disgrace to the colony. The people have been armed, without the least control being held over them. I request the Hon'ble the Attorney-General may be called on to give effect to the Lieutenant-Governor's suggestion, and that these papers may be returned to me as soon as the preliminary steps have been taken, in order that a despatch may be prepared for the Secretary of State.

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House, Graham's Town,

8th May, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—I have the honour to report to your Excellency, that Mr. Borchers, a salaried justice of the peace at Fort Beaufort, has very strongly represented to me,

in an interview with him at this office, the usefulness to the public service, of conferring on him the jurisdiction of a resident magistrate in the extensive and populous district of Fort Beaufort, where, at present, he exercises the authority of a justice of the peace only.

The statistical information which Mr. Borchers, at my request, has transmitted to me in writing, and which is annexed to this letter, so entirely satisfies me of the necessity for the increased jurisdiction which he seeks, that could it be conferred on him by the existing law, under a commission, appointing him to exercise the duties of a resident magistrate, I should not hesitate a moment to issue such a commission.

On reference, however, to Ordinance No. 33, anno 1827, I find that the districts in which it is lawful to appoint resident magistrates are limited and described, and that Fort Beaufort, the district of Mr. Borchers, is not one of those districts in which the Legislature contemplated the appointment of a resident magistrate.

I beg to suggest that the Attorney-General be instructed to prepare an amendment to this Ordinance, to the effect that it shall be lawful for the Governor or Lieutenant-Governor for the time being, from time to time, as the public service shall seem to him to require, to appoint a resident magistrate in any other place or district than the places or districts mentioned in Ordinance No. 33, anno 1827; and by proclamation to prescribe and fix the territorial limits within which such resident magistrate shall exercise the jurisdiction of his office; provided, that no such resident magistrate shall be appointed to any other district or place than the districts or places mentioned in Ordinance No. 33, anno 1827, unless the said magistrate shall be a salaried justice of the peace, or that a remuneration for the performance of the duties of a resident magistrate shall have been otherwise previously sanctioned and provided for by the Legislature.

This amendment would enable the public to take advantage of such offers as those of Mr. Borchers, who, without increase to his present official salary, is willing to undertake additional duties.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Fort Beaufort, 6th May, 1847.

His Honour the Lieutenant-Governor, &c., &c., &c.,  
Graham's Town.

SIR,—In accordance with your request, I have the honour herewith to enclose a sketch of that part of the Albany district which is under my jurisdiction as justice of the peace, included within the boundary line marked in "lake," extending about 76 miles in length and 36 in breadth, the nearest or most southerly point being 21 miles from the present seat of magistracy, Graham's Town.

I also enclose copies of correspondence which has already passed on the subject of the necessity of a resident magistrate being appointed for this place, and a statement of the number of cases which have been brought before me since 1st January, 1847.

Several cases of crime have occurred in the neutral ground, of which I could not legally take cognizance, in consequence of my having no commission under the Act of William IV, for the prevention of crimes beyond the boundaries of the colony, and which I have found necessary, in order to enable me effectually to co-operate with the Rev. Mr. Calderwood, in the execution of his duties as commissioner and magistrate for British Kafirland.

Since the dates of the enclosed correspondence, I have been authorised to adjudicate in cases of drunkenness, but in other respects my jurisdiction has not been increased.

I have, &c.,

M. BORCHERS, J.P.

Statement showing the number of Cases brought before the Resident Justice of the Peace, at Fort Beaufort, from 1st January, 1847, to 5th May, 1847:—

Of Theft,.....	49
„ Sale of Arms to Kafirs,.....	1
„ Breach of Burgher Duty,.....	19
„ Prisoners of War,.....	6
„ Kafirs in the colony without passes,.....	33
„ Murder,.....	1
„ Drunkenness,.....	164
„ Breach of the peace,.....	12
„ Assault,.....	6
„ Indecency,.....	1
„ Military Desertion,.....	1
„ Culpable Homicide,.....	1
Total,.....	294

M. BORCHERDS, Justice of the Peace.

Fort Beaufort, 6th May, 1847.

Fort Beaufort, 28th November, 1844.

The Honourable the Secretary to Government,  
Colonial Office, Cape Town.

SIR,—In reply to your Circular of the 8th instant, I have the honour herewith to enclose a statement of all matters which I have had to attend to in my official capacity as justice of the peace at this place, during the three years ending 30th June, 1844.

Besides the duties detailed in the said statement, I have had to attend, quarterly, in six field-cornetcies of the Kat River settlement, to inspect 600 stand of government arms distributed amongst the inhabitants; frequently to go out with military parties to scour the country, and apprehend native foreigners squatted in the colony without authority; and, on various occasions to act for the Civil Commissioner of the district.

The charges borne by the public for my services, are,—a salary of £300 a year, horse allowance 1s. per day, and I have a government house for a residence and offices.

No clerk being allowed by government, I have kept one at my own expense, to assist me in copying documents.

In order to increase the efficiency of my office, without throwing an additional expense on the public, I have the honour to suggest that this place should be constituted a resident magistracy, and that a clerk should be appointed, who is to keep the records, and draw up the informations in criminal and police cases.

I anticipate, that by this measure, a great saving would be effected to the public, for the amount of the clerk's salary will be amply covered by court fees, fines, &c., and the expense of sending up prisoners for trial to Graham's Town in trifling cases will be avoided.

The convenience to the public will also be very great, for the inhabitants will be able to recover small debts here, and they will not be deterred from giving information of offences committed against them and their property, by the long journey they would have to take to Graham's Town, to give evidence against the culprits.

I should also be empowered to enforce the Masters and Servants Ordinance. Ordinance No. 49.—For admission into the colony, under certain restrictions, of persons belonging to the tribes beyond the frontier.

No. 1, 1838.—For the better observance of the Lord's Day.

No. 7, 1834.—For regulating Trade in Gunpowder.

No. 23, 1826.—For facilitating Commerce with Kafirs, &c.

No. 81, 1830.—For regulating Trade beyond the Boundaries.

No. 12, 1836.—Laws relating to Medical Practitioners, Apothecaries, &c.

No. 31, 1827.—Laws regarding Auctioneers.

No. 93.—As to the Sale of Wines and Spirits.

No. 94.— Do.

No. 66.—Law in cases of Ejectment.

No. 79.—To prevent Riding and Driving furiously.

No. 104.—As to registration of Wills, &c.

No. 80.—Regulations as to Brewing.

No. 90.—For suppression of Unlawful Meetings.

The Proclamation of 16th July, 1806, and 23rd May, 1823.—To enforce the fines and penalties under the Mutiny Act, and Market and Municipal Regulations. To apprentice the children of destitute Native Foreigners, under the 8th section of Ordinance 49.

To attest contracts of service and apprenticeship, under Her Majesty's Order in Council of 27th August, 1842.

To grant passes to wagons crossing the boundary, under the 81st Ordinance. All which is, at present, beyond my power and jurisdiction.

The proclamation of November 20, 1812, for the protection of government forests, should also be extended to this district, in which a great deal of forest is wantonly destroyed.

I have, &c.,

M. BORCHERDS, J. P.

Statement of all matters which I have had to attend to in my official capacity as Resident Justice of the Peace at Fort Beaufort, during Three Years ending 30th June, 1844.

RELATING TO THE CRIMINAL BUSINESS OF THE CIRCUIT COURT.											RELATING TO THE CRIMINAL BUSINESS OF THE MAGISTRATE'S COURT.											MISCELLANEOUS DUTIES.											
Murder.	Assault with intent to Murder.	Rape.	Assault with intent to commit Rape.	Forgery.	Perjury.	Subornation of Perjury.	Compounding Felony.	Arson.	Homicide	Theft.	Theft.	Assault.	Receiving Stolen Goods.	Drunk and Riotous.	Drunkenness.	Breach of the Peace.	Smuggling.	Unlawful Meetings.	Contravening Ordinance, No. 49.	Contravening Mutiny Act.	Unlawful Trade with Kafirs.	Complaints between Masters and Servants.	Kafirs without Passes found in the Colony.	Military Deserters.	Deserted Convicts.	Timber Permits issued.	Affidavits regarding Kafir Depredations.	Contracts in Triplicate between Masters and Servants.	Cattle, Horses, and other Property passed through my hands, on account of Kafir Depredations.				
4	6	4	1	2	1	1	1	1	1	68	53	104	2	33	26	28	7	1	1	4	1	39	258	3	7	57	1124	807	Cattle.				
																													Horses.				
																													Sheep and Goats.				
Total of Circuit Court Cases - - - - 90											Total of Magistrate's Court Cases - - - - 260											Total Miscellaneous Cases - - - - 2295											1105
																																	250
																																	45

M. BORCHERDS,

Resident Justice of the Peace at Fort Beaufort.

Fort Beaufort, 28th November, 1844.



Fort Beaufort, 30th April, 1845.

To the Honourable the Secretary to Government,  
Colonial Office, Cape Town.

SIR,—In reply to your circular of the 18th instant, I have the honour to state, for the information of the Committee of the Legislative Council:—

1st. That a resident magistrate is much required in this district, and that the seat of magistracy should be Fort Beaufort, being in a central position, and next in importance, in a military and commercial point of view, to Graham's Town.

Assuming the sub-district of Fort Beaufort to comprise the Koenap, Winterberg, and Kat River field-corneteies, it would extend from Fort Beaufort, as its centre, about 30 miles to the north and north-east, 30 miles to the west, and the same distance to the south. The number of inhabitants being as follows:—

Fort Beaufort, .....	1,000
Koenap Field-cornetcy, .....	1,075
Winterberg, .....	1,622
Kat River Settlements, .....	5,000

Total, 8,697

independently of upwards of 1,000 military men, with their families and followers, stationed at Fort Beaufort, Post Victoria, Botha's Post, Koenap Post, Howse's Post, Blinkwater Post, Mancazana Post, Tyumie, Fort Armstrong, Elands River, and Post Retief.

I need hardly add that the several inconveniences arising from the distance at which Graham's Town, the present seat of magistracy, is situated, will be removed by this appointment, and the Government be spared a great deal of expense now necessarily incurred in summoning witnesses and removing prisoners in petty criminal cases, out of this sub-district to Graham's Town.

2nd. It is, &c. &c.

M. BORCHERDS, Justice of the Peace.

Camp at Fort Peddie, May 14, 1847.

His Honour Sir HENRY E. F. YOUNG, Kt.,  
Lieutenant-Governor.

SIR,—I have had the honour to receive Your Honour's letter of the 8th instant, urging the advantage of extending the powers of a resident magistrate to Mr. Borchers, the justice of the peace at Fort Beaufort.

I most fully concur in your opinion, and have transmitted your letter and its accompaniments to Cape Town, with a view to effect being given to them.

I have, &c.,

HENRY POTTINGER.

#### MINUTE.

Graham's Town, July 1, 1847.

Since my remarks upon, and note regarding, the estimates (revised) for 1848, were made and written, I have received the accompanying letter and documents from His Honour the Lieutenant-Governor, submitted by His Honour in obedience to one clause of the original instructions addressed by Lord Glenelg to Sir Andreas Stockenström.

I have not time, nor is it necessary, for me to go into a minute examination of each item. Many of them are already provided for in the general estimate, and some may perhaps conveniently (or rather necessarily) be allowed to lie over for another year, or until some future period. I therefore leave the whole to be dealt with by the Hon'ble the Executive Council, with the general assurance that it is my anxious desire, as well as duty, to meet the Lieutenant-Governor's plans in this and every other matter connected with the eastern districts, when they

may not be found to be incompatible with the working of the system for the whole colony, as at present established.

I have already evinced my full intention to institute the most unqualified inquiry into the various opinions and recommendations which have been offered and made by the Lieutenant-Governor since his arrival in the colony; and the petitioners to the crown from the eastern districts will now have the amplest means of showing what their objects are; but in affording them that opportunity it is superfluous for me to add, that I pledge myself to nothing at present, beyond an impartial inquiry into, and consideration of, their statements.

I may conclude by saying, that without such an idea being expressly stated, I think I can see in the letter from His Honour the Lieutenant-Governor, an assumed principle, that the revenue arising from the eastern districts ought to be exclusively expended in them, or at least for what may be taken to be their *particular* benefit. If I am correct in this surmise, it is a principle which I cannot recognize, as the colony is at present constituted. So long as the central Government at Cape Town is held to be responsible for the acts of the Lieutenant-Governor (and which it now clearly is, to all intents and purposes), it must hold and exercise a discretionary power, as at present, *in every thing*.

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 28th June, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Baronet, G.C.B., &c. &c. &c.

SIR,—I have the honour of submitting to Your Excellency, the estimates of revenue and expenditure received by me from the respective Civil Commissioners in the eastern districts, viz. :—

OF REVENUE.

Albany, . . . . .	£7,930
Somerset, . . . . .	3,245
Cradock, . . . . .	4,395
Colesberg, . . . . .	3,259
Graaff-Reinet, . . . . .	3,840
Uitenhage, . . . . .	21,474

making a total estimate of revenue for the year 1848 of forty-four thousand one hundred and forty-three pounds.

OF EXPENDITURE.

Albany, . . . . .	£8,873
Somerset, . . . . .	3,016
Cradock, . . . . .	2,845
Colesberg, . . . . .	2,424
Graaff-Reinet, . . . . .	4,395
Uitenhage, . . . . .	6,819
Lieutenant-Governor, . . . . .	£1500
Secretary, . . . . .	350
Clerk, . . . . .	150
House rent, . . . . .	300
Do. travelling, . . . . .	50
Expenses, travelling, . . . . .	200
Office rent, . . . . .	70
Do. keeper, . . . . .	45
Stationery, . . . . .	50
Repairs, residence and furniture, . . . . .	50—as at present 2,765

making a total estimate of expenditure of £31,137. In the estimate of expenditure, £850 for repairs to Graham's Town gaol and public buildings are included.

They have long been contemplated, and the greater part of the amount was provided for on previous estimates, although it has hitherto continued unexpended, and consequently the gaol has remained in a daily increasing state of dilapidation.

£800 are also included for a new gaol at Cradock; the disgraceful and insecure condition of which is verbally reported to me by the Civil Commissioner of the district to have attracted the attention of Sir Peregrine Maitland, when last at Cradock, and to have occasioned the transmission of plans and estimates to Cape Town, where they remain without result.

Lieutenant-Governor's  
letter 29th June, 1847.

The estimates of the Civil Commissioner do not include the item of £400 for the repair of the gaol at Fort Beaufort; nor £200 for the public buildings of that place, as described in Mr. Borchers' letter, herewith forwarded, nor provision for a Resident Magistrate at Fort Beaufort, and one at Bathurst. I estimate these last-named items as follows: £150 to the Resident Justice at Bathurst, £80 to his clerk, and £80 to a clerk at Beaufort,—£310.

The deplorable condition of the Graham's Town Episcopal Church is familiar to your Excellency, and I trust that you will see in the accompanying papers from the Rev. Mr. Heavyside, sufficient grounds for recommending the Council to aid the voluntary contributions of the parishioners by a grant from the public treasury of £500, which will be the first charge against the public since the erection of the church in 1828.

An Episcopalian clergyman having been appointed to Uitenhage. I would recommend that the item at present on the estimate, of £125, be increased to £200, to put him on an equality, in point of salary, with other clergymen in the colony, and that an allowance of £40 house-rent be also granted. I enclose a letter, received since the foregoing was written, from the Rev. Mr. Copeman, of Uitenhage.

I would also recommend that one thousand pounds be granted in aid of voluntary subscriptions for the erection of a church at Uitenhage.

The accompanying papers relative to a claim on the part of the minister at Sidbury, to an increase of £50 to his present salary of £200, may perhaps be satisfactorily adjusted by granting it to him as an allowance for house-rent.

I have also to move, that £15 be granted to each of the Government schools at Graham's Town and Somerset, in aid of the purchase of maps, globes, and a small stock of books, applications for which are herewith enclosed, and are founded on the published Government regulations applicable to schools.

I cannot at present recommend, as necessary, a grant of £115, applied for by the teacher of the Government school in Graham's Town, to procure philosophical apparatus for illustrating his lectures to the scholars.

The claim as set forth in the accompanying representation from the School Commission at Bathurst, for an increase of salary to the schoolmaster, appears very reasonable, and I trust that it may be granted, and that his salary may in future be made £80, exclusively of the £15 at present allowed for house-rent.

I also enclose the report of the Graham's Town Library Association, and trust that a grant of £250 from the public treasury may be made, so as to relieve the institution from debt, and enable it to be sustained hereafter from voluntary subscriptions.

I also beg to suggest that provision be made for the conveyance of the mail from Bathurst to Port Francis, which could be effected, as I learn from Mr. Cock, of that place, for about £10 or £12 per annum.

In the district of Uitenhage the estimate of expenditure includes provision for a postmaster, whose duties are at present incongruously joined to those of the gaoler. In the other districts, except Albany and Port Elizabeth, the functions of postmaster are vested in the magistrates' clerks, who also perform, without remuneration, the responsible and troublesome duty of distributing and accounting for the stamps. I beg to recommend that an allowance of £40 be paid to each clerk, for the duties of postmaster.

I enclose a correspondence with the Rev. Mr. Shaw, on an unsettled claim for the conveyance overland of the mail to Natal, and I would suggest that provision be made for this expense out of the colonial treasury, in future.

I also beg to forward a correspondence with Capt. Lloyd, R.N., of Port Elizabeth, respecting the cost of laying down moorings in Algoa Bay, and to move that this highly useful work be provided for by an item on the estimate of 1848; the reimbursement of which, and of such subsequent amount as might be found necessary, could be provided for, without dissatisfaction to the shipping interest, by a small tonnage duty on all vessels frequenting the bay.

The expense of the Surveyor-General's Office, and Registrar of Deeds, in the eastern districts, as already reported on in my letter of the 17th May last, would amount to £1152.

The salaries of the civil commissioners and resident magistrates are quite inadequate, in certain districts, to the decent maintenance of the officers, of which I had the honour of bringing to your Excellency's notice a striking instance, in the case of the Colesberg district; and having heard from your Excellency that they are to be increased to £400, I have estimated those within the eastern Districts requiring augmentation, at that sum.

I beg also to recommend that the salary of the resident magistrate at Port Elizabeth be also fixed at the same amount, reference being had to the nature and extent of his duties and expenses, as set forth in the accompanying letter from Captain Lloyd.

I must, however, report to your Excellency that, in my opinion, it is extremely inconvenient to the public that the office of civil commissioner and resident magistrate should be united in one and the same person, and that it would be true economy, respect being had to the efficiency of the respective offices, if adequate provision were made for each separately.

The receipt, payment, and custody of public money, and the system of account necessarily connected therewith, engross too much of the magistrate's time and attention, and compel him to be constantly resident in the chief town of his district. I feel convinced, that to render the services of a magistrate as extensively useful as the circumstances of our scattered population require, the magistrates should periodically itinerate from village to village, and adjudicate the complaints preferred.

As, however, such an arrangement is not practicable, at all events this year, it is now mentioned only for the purpose of intimating my opinion of its expediency at a future time, should the revenues of the eastern districts be found, as I expect, adequate to meet such an increased charge.

I subjoin a recapitulation of the items proposed to be added to the estimate of expenditure, as herein-before mentioned:—

1. Fort Beaufort Gaol .....	£400
2. „ „ Public Buildings, .....	200
3. Resident Magistrates, Beaufort and Bathurst, and Clerks, .....	310
4. Graham's Town Church, .....	500
5. { Uitenhage Clergyman, .....	75
{ „ House-rent, .....	40
6. Uitenhage Church, .....	1000
7. Sidbury Clergyman, .....	50
8. Schools, Somerset and Graham's Town, .....	30
9. Schoolmaster at Bathurst, .....	20
10. Graham's Town Library, .....	250
11. Bathurst to Port Frances' Mail, .....	12
12. Salaries to Postmasters, .....	200
13. Overland Mail to Natal, .....	40
14. Moorings at Algoa Bay, .....	3000
15. Surveyor-General and Registrar of Deeds, Clerks, &c. . .	1152
16. Civil Commissioners, Colesberg, Cradock, and Somerset, .....	400
17. Magistrate at Port Elizabeth, .....	100

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£7,779

In the event of these additions being sanctioned, the revenue of the eastern districts, as estimated by the civil commissioners, would still exceed the foregoing total amount of expenditure of £38,916, by the sum of £5,227.

Of the £38,916 estimated expenditure, £7,000, viz.: for churches, gaols, public buildings, library, and moorings, will not be required to be provided for next year.

I have reason to believe that if the Royal Order in Council of September, 1846, which regulates the Natal import revenue, were extended to the ports of the eastern districts, a further sum of £35,000 at least, would be available to the revenue of the eastern province, and be applicable, therefore, to such additional charges as the public service of the eastern districts might render necessary.

I have, &c.,

H. E. F. YOUNG.

#### MINUTE.

*Colonial Office, July 14, 1847.*

His Excellency the Right Honourable the Governor,  
&c.      &c.      &c.

In attention to His Excellency's minute of the 1st instant, referring to us (members of the Executive Council) the Lieutenant-Governor's letter of the 28th June, addressed to His Excellency, submitting the Estimates of Expenditure and Revenue for the Eastern Districts, for the service of the year 1848, we have the honour to submit the following remarks:—

##### 1st.—*Fort Beaufort Gaol, £400.*

The Governor having already provided, in his estimates for the whole colony, the sum of £4,000 for the gaols generally, from which the payment for Fort Beaufort gaol can be taken, if it should be hereafter approved, there is no occasion for making further provision in the general estimates for this item.

##### 2nd.—*Public Buildings, Fort Beaufort, £200.*

This sum is applied for to improve and enlarge the building now used at Fort Beaufort as a hospital. In the year 1844, Her Majesty's Government approved of the discontinuance of salaried medical officers in the country districts, and ordered them to be paid for their attendance on such persons as might be considered objects of charity, by a tariff-rate, in proportion to the work performed; and also approved of all insane persons and those who were permanently disqualified by chronic complaints, being removed to the General Infirmary at Robben Island, which has, in consequence, been placed on a most efficient footing, and where every necessary and comfort are provided for its inmates.

The object of these measures was to obviate the very heavy expense of inefficient medical establishments and hospitals being scattered over the country; and we fear that the request for this Fort Beaufort hospital is a revival of the system which has so lately been ordered to be abolished.

In all the country districts there is, generally, one room in each gaol set apart as a hospital for the poor, and those requiring temporary medical relief; and in addition to this, the sick who need medical aid at the expense of the Government, are also attended at their own residences.

As we perceive that two of the three persons for whom the resident magistrate of Fort Beaufort proposes to provide better hospital accommodation are insane, we recommend that they be removed to the General Infirmary, which would seem to meet the present wants; without incurring so large an expenditure as £200, and departing from a system so lately adopted under directions from Her Majesty's Government.



3rd.—*Resident Magistrates, Beaufort and Bathurst, and Clerks, £310.*

As already stated, His Excellency has made provision for eight additional resident magistrates, one of whom, we have reason to believe, he has decided on appointing to Bathurst. Provision has therefore been made for the whole of this request of His Honour, at an expense, namely :—resident magistrate, Bathurst, £250; a clerk, £100; and a clerk to resident magistrate at Fort Beaufort, £100: Total, £450.

4th.—*Graham's Town Church, £500.*

We cannot recommend the Governor to accede to this request.—In the years 1844 and '5, the Government (after a lapse of very many years) gave a few money grants to churches of different denominations in the colony, in sums of £500 and under, the effect of which was to make such a rush on the colonial revenue from every part of the colony, for similar aid for other churches, as to render it necessary to reject them all, and to lay down the following rules for the guidance of the Government, in proposing to the Legislature to appropriate any portion of the general revenue to church-building purposes. 1, that a proportion only of the expense of the building should be defrayed by the Government, and the remainder by subscription of those who would benefit by it; that proportion to be fixed in reference to the wealth or poverty of the inhabitants in the neighbourhood of the church. 2, that no aid should be afforded to any building which might be commenced, without the Government having first approved the locality, and satisfied itself of the necessity of affording support, and having also determined what that amount of support should be.

If these rules be departed from in the case of Graham's Town church,—there are many other churches (whose claims have been refused) which cannot be excluded, from being stronger than, and prior to, the present application.

5th.—*Uitenhage Clergyman, £75, House-rent, £40.*

About three years ago, the inhabitants of Uitenhage who belong to the English Episcopal Church petitioned the Government to appoint a minister of that denomination amongst them. The Secretary of State declined in that, as in several other cases, to make such an appointment, until he got a guarantee from the persons interested, that they would provide, for five years, a stipend of £100 a year to the minister, and then, but not till then, would the Government provide an equal amount for his support. The people of Uitenhage could not succeed in raising more than £75 a year, and the Society for the Propagation of the Gospel added thereto £25 a year, upon their learning that the Secretary of State would not sanction a higher expenditure than £100 from the colonial revenue, for the minister's salary, which he stipulated must be made up to £200 a year.

Under these arrangements, and with a complete knowledge of them, the Rev Mr. Copeland arrived in this colony in May last, with the appointment of minister of Uitenhage, and it will be seen by the accompanying documents from the civil commissioner of Uitenhage that the subscribers who guaranteed him £75 a year, intend to perform their part of the engagement.

Under these circumstances, we cannot advise His Excellency to accede to His Honour's request on this subject.

6th.—*Uitenhage Church, £1000.*

Until it is shown what description of church is to be erected, what will be the expense of it, and how much of that will be obtained by subscriptions towards the building, we cannot advise His Excellency to sanction the expenditure of any public money for that building; but we are of opinion, that under the rules already adverted to in the case of the Graham's Town Church, the Uitenhage Church would be entitled to aid from the public revenue, so soon as satisfactory information can be obtained on the several points we have mentioned, and upon the wealth or poverty of the Protestant inhabitants there.

7th.—*Sidbury Clergyman, £50.*

His Honour conceives that the claim on the part of the minister of Sidbury, to an increase of £50 to his present salary of £200 may, perhaps, be satisfactorily adjusted by granting it to him as an allowance for house-rent.

We are sorry to be obliged to differ from His Honour, but we conceive that Government can be no party to the claim.

The facts are simply these,—the people of Sidbury built a church, at their own expense, and applied to the Government for a minister, undertaking to pay him £100 a year stipend, on condition that Government would pay him a similar sum.

To this the Secretary of State acceded, and the Rev. Mr. Thorpe, the present incumbent, was appointed.

From causes which it is not necessary for us here to detail, the Government consented, about three years afterwards, with the approbation of the Secretary of State, to pay the entire salary of £200 a year, upon the understanding that the Sidbury subscribers would either build a house for Mr. Thorpe, or give him £50 a year, in lieu of it, and failing to do so, the minister would be removed to some other locality. The subscribers now refuse to pay the £50, but we do not see how that circumstance constitutes a claim upon the Government, nor can we advise His Excellency to exceed from the colonial treasury the sum of £200 a year for the salary, &c., of that minister, which the Secretary of State, with great reluctance, was induced to sanction.

8th.—*Schools, Somerset and Graham's Town, £30.*

His Honour proposes £15 for each school (per annum) in aid of the purchase of maps, globes, and a small stock of books. In the general estimate, under the head, School Establishment, it will be seen that the sum of about £700 is provided for such articles and unforeseen contingencies, and which is always expended for such schools and for such purposes as the Superintendent-General of Education, for the time being, may recommend to the Government, from time to time. For this reason we do not consider it necessary to make further provision in the estimates for this sum of £30, proposed by His Honour.

9th.—*Schoolmaster at Bathurst, £20.*

For the reasons given by the Superintendent-General of Education in the annexed letter, we do not advise the Governor to make any alteration in his estimates to meet this request.

10th.—*Graham's Town Library, £250.*

His Excellency's general estimate provided for this purpose £200 when it was first prepared, and we see no sufficient reason for advising him to increase it to the amount suggested by His Honour.

11th.—*Bathurst to Port Frances Mail, £12.*

We recommend this item, and it has accordingly been inserted in His Excellency's general estimate.

12th.—*Salaries to Postmasters, £200.*

The system of appointing the clerks in the offices of the civil commissioners and resident magistrates, to conduct the post office duties, was approved by Her Majesty's Government in 1846, and ought not, we think, to be interfered with. With one or two exceptions, these clerks all obtained an increase of salary, when the post office duty was assigned to them. Some of those whom His Honour recommends should receive an addition of £40 for doing this duty, have already received £40 for it; and others £20. The salaries of all the clerks which were previously under £100 a year, were made up to that sum, on having the post office duty transferred to them. Their salaries had ranged at between £60 and £100.

We do not advise the additional charge proposed by His Honour under this head.

13th.—*Overland Mail to Natal*, £40.

Although this might, properly speaking, be termed a military expenditure, yet, circumstanced as this colony now is towards Natal, we see no objections to its being defrayed from colonial funds, from 1848, and we have therefore introduced it into His Excellency's general estimate. As it has heretofore been borne by the Commissariat, we think Mr. Shaw's account for 1845 and 1846, amounting to £96.10s., should be defrayed from that chest, no provision having been made for it from colonial funds.

14th.—*Moorings at Algoa Bay*, £3,000.

We do not consider this a proper charge against the general revenue. It should be defrayed by a local wharfage, and a fund by that means might be raised for the improvement of the bay, in whatever manner might be deemed desirable.

The wharfage in Table Bay amounts to nearly £6000 a year. It forms no part of the general revenue, but is kept distinct from it, and is applied for the improvement of the harbour, and for wharf purposes.

15th.—*Surveyor-General, and Registrar of Deeds, Clerks, &c.*, £1152.

The Governor having already decided that he will not introduce this expenditure without a previous reference to Her Majesty's government, it is not necessary to provide for it in the estimates for 1848.

16th.—*Civil Commissioners of Colesberg, Cradock, and Somerset*, £400.

His Excellency's general estimate provided for this expenditure when it was first prepared.

17th.—*Magistrate at Port Elizabeth*, £100.

We cannot advise His Excellency to sanction this increase, or to provide for it in the estimates for 1848.

As a general rule, the salaries of the resident magistrates have been fixed at an equal rate, although it must always have been obvious that some had more duty to perform than others. But none have more than can fairly be required of them in return for those salaries, the duties everywhere being light, as compared to many other situations with smaller salaries, under the government.

If an increase should be made in Captain Lloyd's case, it cannot be refused in others. Any such augmentation of expenditure, while the urgent demands of many other parts of the colony for magisterial protection are unsatisfied, prevents us from recommending compliance with His Honour's request on this head.

JOHN MONTAGU.  
HARRY RIVERS.  
W. PORTER.  
W. FIELD.

Civil Commissioner's Office, Uitenhage Town,  
8th May, 1847.

The Honourable the Secretary to Government,  
Cape Town.

SIR,—Having communicated to the committee of the Episcopal church at Uitenhage, your letter of the 14th ultimo, stating that the Rev. P. W. Copeman has been appointed to the Episcopal church at Uitenhage, and has recently arrived at Cape Town; and having called upon the committee, in compliance with your letter, to enter into the bond proposed by them, for the due payment of the sum of £75, for five years, to be paid by them in part satisfaction of Mr. Copeman's salary,—I have the honour to enclose a copy of a letter which I have received from the committee in reply.

I have, &c.,

H. TENNANT,  
Civil Commissioner.

Uitenhage, 8th May, 1847.

The Civil Commissioner for Uitenhage.

SIR,—I have been requested by the Committee of Management of the English Episcopal church, to acknowledge the receipt of your letter of 22d ult., and to state that the treasurer has been directed to pay into your hands the first quarter's subscription towards the salary of the clergyman, hoping within that period to have completed the necessary bond, and lodged the same in your office.

I have, &c.,

GEO. M. BRUNETT,  
Honorary Secreary.

Cape Town, 14th July, 1847.

The Honourable the Secretary to Government.

SIR,—I have the honour to acknowledge the receipt of a memorial presented to His Honour the Lieutenant-Governor by the Government teacher at Bathurst, praying for an increase of salary, or promotion to a more lucrative appointment; together with a copy of a letter addressed to me on the same subject by the School Commission of Bathurst,—both of which you have referred to me for report.

The memorialist grounds his claim, either for promotion or increase of salary, on the consideration of his zealous discharge of the duties entrusted to him, which has met with the approbation of the school commission at Bathurst, and the Government teacher at Graham's Town.

It must be equally gratifying to me, as to the respectable gentlemen to whose testimony Mr. Selwyn refers, to have to acknowledge his merits as a public teacher, and, consequently, there can be no wish on my part to detract from them in any manner. It is proper, however, that I should state, for the information of the Government, that during four of the six years of service referred to by Mr. Selwyn, he was not only being trained up in one of the principal Government schools to a professional acquaintance with the management of a large public school, but also instructed in those branches of a liberal education, which would fit him for a future appointment on the establishment, previous to which he would have to undergo a minute examination.

And to satisfy the Government that the teacher at Bathurst has not been overlooked, or undue preference exercised in recommending for promotion in this department, I take leave to observe, that at this moment, and for some time past, the son of the Rev Mr. Edwards, of George, after having gone through the usual course in one of the Government schools, and then removed to a seminary in England, acts as an assistant in the school at George, on a salary of £40 per annum; whilst my eldest son, after having completed a full course of study in the classical and scientific departments of the South African College, has served on the establishment as long as Mr. Selwyn, at a salary less than Mr. Selwyn's by one-fifth, and without the privilege of charging fees, to which every teacher is entitled who gives instruction in the higher branches, either publicly or privately.

In the letter of the School Commission, reference is made to the reduction of the teacher's salary at Bathurst, which was formerly £100. The reduction was effected in 1833, when the school establishment was under the superintendence of the Bible and School Commission. I am not informed of the circumstances which induced that body to recommend that reduction, but comparing the salaries then given to other teachers at more important stations, it would have appeared to me difficult, had I been in charge of the establishment, to have justified so marked an exception to the general scale.

The Commission also refer, in support of the claim for an increase of salary, to the increasing demand for education that must necessarily arise, in the midst of a growing English population. Of this I am fully aware, and am anxious, so far as the means at my disposal will permit, to make adequate provision; not, however, by increasing the salary that has been attached to the Bathurst school station but by aiding the agricultural population of that parish in establishing

elementary schools in their own immediate vicinities. In proof of this, I beg to refer you to the schools at Clumber and Cuylerville, to each of which a fixed salary of £30 has been granted for the last three years; and I am now prepared to recommend the same allowance to the school at Southwell, situate in the same parish.

In regard to the proposition, that the expense of living at the several stations should regulate the salaries to be allowed the teachers, I beg to remark that a graduated scale of salary, corresponding in amount to the importance and extent of charge, and without reference to the expense of living, was, after mature deliberation, adopted by the Government in 1839, as that which most accorded with the principles on which the new system was to be conducted; and that, as vacancies occurred, those stations to which the higher salaries were attached, should be filled up from among those occupying less lucrative charges, who had proved the most deserving and successful.

Any departure from this fundamental principle in the present system, I earnestly deprecate. And from the views I have hitherto held, of the impropriety of calling upon the Government to increase the expenditure of the school establishment, whose operations are necessarily limited to towns and villages, while the greater part of the agricultural population of the colony is left destitute of the means of instruction for their children,—I request I may be relieved from the responsibility of recommending an increase to the fixed salary attached to the Bathurst school station.

I have, &c.,

J. ROSE INNES.

Cape of Good Hope, Eastern Districts.

Government Office, Graham's Town,

His Excellency the Right Hon'ble

29th July, 1847.

Sir HENRY POTTINGER, Bt., G.C.B.

SIR,—With reference to that part of the minute of the Executive Council, dated 14th instant, which I had the honour of receiving on the 24th instant, on the estimates of expenditure for the eastern districts, for the service of the year 1848, I beg to state to Your Excellency, in reference to the item for the Graham's Town church, which the Executive Council reject, that the Rev. Mr. Heavyside reports to me, that £629 10s. 6d. have been expended on the church in 1845, 1846, and 1847, without aid from the public treasury; that with a small balance from pew-rents, after defraying the salaries of organist and sexton, and with further private subscriptions which he calculates on raising, £900 will have been expended by the congregation on the Graham's Town church.

Under these circumstances, I trust that it will appear, that the Graham's Town church comes within the rules mentioned in the Council's minute of the 14th instant, as guiding the legislature in appropriating any portion of the general revenue to church purposes.

No one more fully than myself admits the propriety of apportioning pecuniary aid from the public treasury to all the state-paid churches of the colony, relatively to the amount of assistance obtained from other sources by those churches respectively. On the other hand, I am impressed with a conviction that it is as useful to the public to mete out aid to churches, from the treasury, on the above principles (in the absence of land reserves or other endowments for churches), as it is to sustain the magisterial and police institutions of the colony, from out of the general revenue; and that a very profitable return is made to society at large when a considerable portion of the taxes is invested, in aid of other contributions, towards the decent maintenance of those edifices dedicated to public worship and religious instruction, the ministers of which are recipients of public pay.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.



## MINUTE.

Colonial Office, Cape Town, 9th August, 1847.

To the Right Hon'ble the Governor.

In conformity with the instructions of the Right Honourable the Governor we have attentively reconsidered the proposal of His Honour the Lieutenant-Governor, to grant a sum of £500 in aid of private subscriptions, for the purpose of repairing and improving the Episcopal church at Graham's Town.

His Honour's letter to the Governor of the 29th ultimo, though containing general views, which appear to us to be very just and proper, has failed to satisfy us that we should not be blameable, were we to advise the grant in question.

We take it for granted that the edifice of the church stands much in need of repairs, and would be glad to see any mode in which it might be improved at the public expense, without entailing consequences of a kind so inconvenient as to render us unwilling to recommend any grant whatever.

Situated as this colony is in regard to churches, we feel persuaded that to grant £500, or, indeed, any sum whatever, to Graham's Town, must inevitably precipitate upon the public treasury such a number of claimants, as to leave but two courses open,—either to grant so much money to church buildings, as to derange the whole finances of the colony, or, on the other hand, to incur the just reproach of doing for Graham's Town what will not be done for other places having stronger claims.

We do not mean, for an instant, to dispute the correctness of His Honour's principles regarded in an abstract point of view. The expediency of any state contribution towards the religious instruction of the people is not now in question, for that expediency has, in this colony, been long recognised. Under such circumstances, no difference in principle exists between contributing to the edifice of the church and contributing to the minister's salary. And it is, moreover, readily conceded that, in principle, no line can well be drawn between preserving an old building and erecting a new one. The moment that support, in any shape, is tendered by the state, and accepted by the church, the extent of that support ceases to be a matter of principle, and becomes a matter of expediency. Considered in the latter point of view, such support may vary from a moderate allowance towards the minister's maintenance, to the providing, at the public expense, for all the ministrations of religion. In this colony, the line was for some time drawn at the point which separates the erection and preservation of the edifice from the support and maintenance of the minister; and while we admit, that in the recent cases referred to in our former minute, the line has been somewhat altered, we are, at the same time, deliberately of opinion, that the new principle is one rather to be limited than extended.

Whether separate congregations should, in a merely religious point of view, be required to aid the state in providing for their own religious instruction,—even if the state possessed the means of dispensing with such aid, we need not discuss; it is enough to say that, in this colony, the state does not possess such means. The state can only do a part, and must leave a part to be done by the people. And with regard to the two essentials of public worship, a building and a minister, if both cannot be provided by the state, we are of opinion, that the state should supply the minister, and the congregation the building.

It is not easy to conceive how a body of Christians, of any denomination, can be found sufficiently numerous to justify the state in granting them a minister, who cannot out of their own means provide a house to meet in. It may, indeed, be but a lowly house at first, but such as it is, it may serve every essential purpose, until increasing numbers enable the worshippers to provide a building of a superior class. It is believed that the amount of the public revenue which it would be practicable to devote to religious purposes, would not be more than sufficient, if, indeed, it would be sufficient, to grant salaries to the ministers of all the churches which will be built by private subscriptions. We are aware of the reason-

ing which goes to prove that the principle of state support and the principle of voluntary contribution, where both must be combined, ought not, generally speaking, to be combined in the same places of worship, but that each of them should take upon itself the entire maintenance of different places of worship in different places. Towns, where the people are congregated, might seem to be places where religious instruction may be wholly left to the people themselves, whilst thinly scattered districts, if they are to receive religious instruction at all, must rely solely on the state, since they can neither erect a church nor pay a clergyman.

The principle now referred to may be a very good rule for the guidance of private bounty. But aid from the public revenue is another thing, for, when that is concerned, those who contribute to it insist that they have a right to share in it; and we believe that no general rule can, in this colony, be safely acted on, other than that of making the erection of a building and the association of a certain number of worshippers, conditions precedent to a grant of public aid, in the shape of an annual allowance to the clergyman.

Extreme cases may be put of very thinly inhabited country districts, and very poor portions of a town; and to meet extreme cases the general rule may be relaxed. We are, however, so impressed with the mischiefs which have attended the recent relaxation of the general rule, that we strongly deprecate any future departure from it, except in some case of the most obvious and urgent necessity.

There are a number of churches of the colony; for example, the new Dutch Reformed church in Cape Town, the Roman Catholic church in Cape Town, and the Dutch Reformed church at George, of which the claims cannot possibly be rejected, if any grant be made to Graham's Town. Indeed, we do not clearly see at what point the claims upon the public revenue are to stop, if a congregation so numerous and respectable as that of the Episcopal church of Graham's Town is to receive aid in the repairs of the building. Such a step appears to us to be the more questionable, inasmuch as the church itself is stated, in the memorial addressed to His Honour, to have been originally erected at Government expense.

The necessity of accurately ascertaining, and undeviatingly acting upon, some fixed principles in regard to Government aid, was, probably, not perceived, in 1828, when the church was built by public funds; but still the fact that so much has been already granted to the congregation in question, induces us to consider, that to apply to it the principle which may now be viewed as fixed, cannot justly be deemed a hardship.

JOHN MONTAGU.  
HARRY RIVERS.  
W. PORTER.  
W. FIELD.

Cape of Good Hope, Eastern Districts.

Government Office, Court House;  
Graham's Town, 5th July, 1847:

His Excellency the Right Hon'ble

Sir HENRY POTTINGER, Bt., G.C.B.

SIR,—With reference to my letter of this date, on the appointment of a resident magistrate, &c., at Richmond, in the district of Graaff-Reinet, I have the honour of forwarding a letter subsequently received, on the necessity for erecting a gaol and public offices in the village, which I request may be forwarded at the same time to the Council at Cape Town.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Civil Commissioner's Office, Graaff-Reinet,  
His Honour Sir H. E. F. YOUNG, 2nd July, 1847.  
Lieutenant-Governor.

SIR,—Having submitted to Your Honour the expediency of establishing a seat of magistracy at Richmond, I should at the same time propose the erection of buildings for offices and a gaol, the expense of which, at the lowest estimation, cannot be computed at less than £1000, which sum, therefore, I take leave to suggest, may be put on the estimate of expenditure for 1848, which I had the honour of transmitting to you on the 17th June.

I likewise take leave to request that an allowance of £15 for two stoves, and of £5 for fuel, for the use of the offices here, may be made, and that this amount may likewise be put on the estimate. These are necessaries, which, though never asked for before, are indispensable.

I have, &c., W. C. VAN RYNEVELD,  
Civil Commissioner.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 5th July, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—I have the honour of forwarding to Your Excellency a letter and its enclosures, from the civil commissioner of Graaff-Reinet, on the necessity of appointing a resident magistrate, and clerk of the peace, and field-cornet, in the village of Richmond, half-way between Graaff-Reinet and Colesberg; and I beg strongly to recommend the appointments in question.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant Governor.

Civil Commissioner's Office, Graaff-Reinet,  
His Honour the Lieutenant-Governor, &c., &c., &c., 1st July, 1847.  
Graham's Town.

No. 1, 29th June, 1847.

SIR,—I avail myself of the first opportunity to transmit to your Honour a copy of a letter, marked No. 1, received by me from Dr. Fehrszen, one of the justices of the peace for this division, representing the necessity of a magistracy being established at the village of Richmond, and suggesting the immediate appointment of a field-cornet resident in that village.

No. 2, 1st May, 1845.

From the copy of a letter, marked No. 2, addressed by me to the Honourable the Secretary to Government, Your Honour will find that more than two years ago, I felt it my duty to make a similar representation; and I had the satisfaction afterwards to see that it was unanimously recommended by the committee of Council on the judicial establishment, as well as by the Honourable Mr. Justice Menzies, in one of the tables annexed to his letter, in which he also proposed to make provision for a clerk of the peace, to reside on the spot.

Since my letter to Government above referred to, the village has greatly increased, as well in population as in the number of buildings, and the new church completed at an expense of £4000; and when it is considered that all this has been accomplished by the inhabitants, without any assistance from the Government, except that of paying the salary of the minister, Your Honor will not consider it unreasonable, that they look forward to the Government to provide for the preservation of the peace and good order in the place.

I may add, that the necessity for the appointment of a magistrate has become urgent, as I have been informed, that since two parties have taken out licences to deal in liquor at Richmond, the greatest irregularities are committed, and the

more respectable of the inhabitants are not free from being molested in the public streets.

With regard to the appointment of a field-cornet, to reside in the village, the suggestion of Dr. Fehrszen is, under present circumstances, no doubt proper and necessary ; but in the event of a police being provided, I should think the present field-cornet, who resides twelve miles from the village, could continue in his office, and perform the duties of his whole ward, which includes the village of Richmond. This, however, is an arrangement which, I submit, should be left till after the appointment of the new magistrate ; but should I be informed by Your Honour that there is no immediate prospect of such an appointment, I shall then be prepared to submit my opinion on the subject.

I have, &c.,

W. C. VAN RYNEVELD,  
Civil Commissioner.

Graaff-Reinet, 29th June, 1847.

To the Civil Commissioner of Graaff-Reinet.

SIR,—Having, the week before last, been called to the village of Richmond in my professional capacity, I had no sooner arrived there, than I was called upon to exercise my authority as a justice of the peace, in a case of a most unprovoked assault committed on a gentleman in the public street. And my principal object in writing to you on the subject, is to represent the absolute necessity of a field-cornet being appointed, to reside in the village. In the absence of such an officer, I was obliged to issue a summons where I would have been justified in granting a warrant of apprehension ; fortunately, the accused obeyed the summons ; but after I had determined to commit him for trial, I found there was no authority on the spot to whom I could give him in custody or charge, to be conveyed to Graaff-Reinet ; and had I not, towards the close of the evening, been relieved from the difficulty in which I found myself thus placed, by two parties coming forward as bail for him, I should have had no other alternative than to discharge a person whom I was in duty bound to commit.

I need not point out to you the evil consequences that would have resulted from such a proceeding, in a place where there is neither police nor a prison, and where, from the great distance of the nearest seat of magistracy, outrages both on person and property are passed by, and are thus committed with impunity ; indeed, in the matter in which I was thus called upon to interfere, the injured party subsequently requested the case not be prosecuted, to avoid the expense and inconvenience of having to travel as a witness 84 miles to Graaff-Reinet.

It is true that there is a justice of the peace resident in the village ; but with the limited powers of that officer, this gentleman also has to contend with the difficulty of having no gaol or police, and besides receiving no salary from Government, he has to attend to his private interests, which frequently calls him away from the place for weeks together.

Under these circumstances, the inhabitants are anxiously looking out for the appointment of a resident magistrate ; and in consequence of the recommendation of the committee of Council on the Judicial Establishment, based, no doubt, on the trade, extent, and population of the village, they are sanguine, that Richmond will be one of the first places to which such an officer will be appointed. But, as I stated before, my immediate object in making this representation to you, is to suggest the appointment of a field-cornet, resident in the village, and I mention that Mr. Christoffel Vermuelen is generally considered a fit person, and is willing to undertake the office.

I have no objection of your forwarding this letter to the Government, should you feel inclined to do so.

I have, &c.,

OLOFF FEHRSZEN, M.D.,  
Justice of the Peace, Graaff-Reinet.

Resident Magistrate's Office, Graaff-Reinet,  
1st May, 1845.

The Honourable the Chief Secretary to Government, &c., &c., &c.  
Colonial Office, Cape Town.

SIR,—I have the honour to acknowledge the receipt of your circular letter of the 18th ultimo, relative to the appointment of additional magistrates throughout the colony, &c., &c.

In reply to the first query, I beg to state that, in my opinion, the appointment of additional magistrates throughout the colony is absolutely required. There can be no doubt but that at present, from the great distance at which the greater number of inhabitants reside from the seat of magistracy, offences are passed over, which, from being thus committed with impunity, lead to the commission of greater crimes.

A village has lately been established in this district, called Richmond, the distance of which from here is not less than 84 miles, and where 30 houses have already been built. There is a provisional church; a large new church building is in the course of erection, and a clergyman appointed by Government on the spot; the population of the village is 230 at present, and is daily increasing; and of the great number of surrounding places, there is every prospect that Richmond will become a place of importance.

That the want of magisterial authority must be seriously felt at such a place can easily be conceived, and, indeed, has been frequently represented to me by the field-cornet of that ward; and when it is considered, that a paternal magistrate on the spot would do more good, by his advice and example, than by the force of authority and coercion, I am confident that whatever number of additional magistrates may be appointed, Richmond will not be left without one.

There are two other wards in this district, where it would be advisable to have magistrates appointed; the first is the ward of Voor Sneeuwberg, which borders upon the Cradock and Colesberg districts, and the other is the ward of Camdeboo, which borders upon the Beaufort district. I am not prepared, at this moment, to point out the particular places on which these magistrates should reside; but this may be afterwards fixed, should it be determined to provide magistrates for these wards respectively.

My knowledge of the colony is not so much as to answer the second query with any degree of certainty, but I should conceive that magistrates would be required at Fort Beaufort and Bathurst, in the district of Albany, at Lange Kloof, between George and Uitenhage, at Swartberg and Victoria, in the district of Beaufort, and at Grootfontein, in the district of Colesberg; the latter place, I must however observe, is private property, and this same observation will also apply to Voor Sneeuwberg and Camdeboo, in these districts, where there is no land at the disposal of Government fit to reside upon.

I have, &c.,

W. C. VAN RYNEVELD,  
Resident Magistrate.

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#### MEMORANDUM.

July 9, 1847.

I send these two letters from His Honour the Lieutenant-Governor regarding a resident magistrate, gaol, &c., at Richmond, that they may be laid before the Hon'ble the Executive Council, for their information and opinion.

HENRY POTTINGER.



## MINUTE.

Colonial Office, July 19, 1847.

His Excellency the Right Honourable the Governor.

In obedience to the directions of the Right Honourable the Governor, we, the members of the Executive Council, have considered the two accompanying letters from the Lieutenant-Governor, both dated the 5th instant, which have reference to the necessity of appointing a resident magistrate, a clerk of the peace, and a field-cornet, in the village of Richmond, in the district of Graaff-Reinet, and also for erecting a gaol and public offices in that village.

The provision which His Excellency has lately made in the estimates of expenditure for the year 1848, for appointing eight additional resident magistrates within the colony, will enable him, if he should think proper, to comply with His Honour's request, to appoint a resident magistrate at the village of Richmond; and as it is probable that three of the new appointments will be made in the eastern districts,—and as Richmond was one of the places recommended in 1845 by the committee of the Legislative Council; for a new seat of magistracy,—we advise His Excellency to accede to His Honour's request.

We do not advise the appointment of a clerk of the peace for Richmond, as under the arrangements about to be made in regard to those functionaries, and announced in His Excellency's finance minute to the Legislative Council of the 3rd instant, such an officer will be unnecessary, nor do we advise the appointment of a field-cornet in that village, because it will be unnecessary, seeing that the chief constable and police force, which would be appointed simultaneously with a resident magistrate, would render the appointment of a field-cornet useless.

With regard to the erection of a gaol, we would suggest, that the same course be pursued, in reference to it, and the public offices also applied for by His Honour, as was lately proposed in a memorandum addressed to His Excellency by the Secretary to Government, respecting the gaol required for Fort Beaufort, namely, that they be erected by contract, upon payment of a stipulated rent for 25 years, if practicable, in preference to any other mode.

JOHN MONTAGU.  
HARRY RIVERS.  
WM. PORTER.  
W. FIELD.

## MEMORANDUM.

July 29, 1847.

If the expense of doing so would be trifling, I am disposed to think it might be desirable to have these papers printed, to accompany the estimates to the Secretary of State. I beg the Hon'ble the Secretary to Government will take the advice of the Hon'ble Members of the Executive Council on this point. They would tend to prove the readiness of my colleagues and myself to do all in our power to meet the views and wishes of His Honour, and of the memorialists of the eastern districts. They will also show the demands on the colonial treasury, present and prospective, and in that light may do good.

HENRY POTTINGER.

## MEMORANDUM.

16th August, 1847.

In explanation of this series of correspondence, it is as well that I should premise that, on Sir Henry Young's first arrival on the frontier, he came to Fort Peddie to pay me a visit, and therefore a good deal of our early official commu-

nication was verbal, as occasionally alluded to in these papers. This explanation will also account for some of the Lieutenant-Governor's letters being dated before his proclamation assuming charge of his Government.

These papers will show—

1st.—That Mr. Hudson, junr., was transferred to be civil commissioner and resident magistrate at Somerset on the 3rd of May.

2nd. That Mr. Huntley was appointed clerk to the secretary of the Lieut.-Governor on the 8th of May.

3rd.—That Mr. Dyason, junr., was appointed to succeed Mr. Huntley as clerk to the resident magistrate of Port Elizabeth on the 8th of May.

4th.—That no secretary to the Lieutenant-Governor was appointed permanently to the Lieutenant-Governor till the 1st of July. Mr. Saunders, of the Ordnance department, did the duty, but was not gazetted, as the military authorities objected to his transfer. Sir Henry Young was very anxious to get an engineer officer, either civil or military, as his secretary, but could not succeed, and therefore he nominated Mr. J. C. Chase to that office, on the 1st of July.

Mr. Saunders having officiated as secretary to the Lieutenant-Governor from the 28th of April to the 30th of June, has been allowed by me to draw the salary assigned to that appointment for the period.

HENRY POTTINGER.

N.B.—The Lieutenant-Governor's proclamation and circular, on assuming charge of his Government, reached me with a private note of the same date (28th of April, 1847).

H. P.

Eastern Districts, Cape of Good Hope.

#### PROCLAMATION

By His Honour Sir HENRY EDWARD FOX YOUNG, Knight, Lieutenant-Governor, and Commander-in-Chief, in and over the Eastern Districts of the Colony of the Cape of Good Hope.

Whereas Her Majesty has been graciously pleased to appoint me, Sir Henry Edward Fox Young, Knight, to be Lieutenant-Governor in and over the distinct and separate Government of the eastern districts of this colony; and has authorised and required me to exercise and perform, within the said districts, all and singular the powers and authorities which are contained in Her Majesty's Commission to the Governor and Commander-in-Chief of the Cape of Good Hope, subject always to the contingency of the said Governor and Commander-in-Chief, in a specified manner, reviving his power and authority over the said districts, and assuming the Government thereof; and subject also to certain other provisions relating to the legislative and judicial establishments of the said colony;—I do, therefore, hereby issue this my proclamation, making known that the customary oaths of office having been by me duly taken and subscribed, the distinct and separate government of the said districts hath devolved to, and been assumed by, me. And, in Her Majesty's name, I do hereby strictly charge and command all officers, civil and military, and all other inhabitants of the said eastern districts, to obey me as Lieutenant-Governor, exercising the aforesaid powers and authorities accordingly.

GOD SAVE THE QUEEN!

Given under my Hand and Seal at the Court House at Graham's Town, in Albany, one of the Eastern Districts of the Cape of Good Hope, this 28th day of April, 1847, and in the eleventh year of Her Majesty's reign.

H. E. F. YOUNG, Lieutenant-Governor.

## GOVERNMENT NOTICES.

Government Office, Court House,  
Graham's Town, 28th April, 1847.

All notices appearing in the newspaper styled the *Graham's Town Journal*, and bearing my signature, or that of my secretary, are to be received as being intended for the more prompt information and guidance of all persons holding local civil offices of trust or emolument in the eastern districts, and more especially of those civil officers to whom such notices may specially refer.

H. E. F. YOUNG, Lieutenant-Governor.

Government Office, Graham's Town,  
28th April, 1847.

With reference to the following extract from Her Majesty's instructions to the Lieutenant-Governor of the eastern districts, namely, "All public officers, whether civil or military, within the eastern districts, will correspond officially *with the Lieutenant-Governor only*, and will obey his lawful instructions;" Sir Henry E. F. Young requests that no official communication may be addressed to him, as Lieutenant-Governor, by any military or civil functionary, except through the medium, wherever practicable, of the immediately superior officer of such functionary, whether civil or military.

Official communications from civil or military officers to the Lieutenant-Governor, must have reference to the public service of the eastern districts exclusively.

The Lieutenant-Governor will apply to His Excellency the Right Honourable the Governor, Commander-in-chief, and High Commissioner, for such instructions as he may require for his guidance, and to all His Excellency's lawful instructions, whether solicited or not, the Lieutenant-Governor will yield implicit obedience.

H. E. F. YOUNG, Lieutenant-Governor.

## CIRCULAR.

Government Office, Court House,  
Graham's Town, 28th April, 1847.

To the Civil Commissioner and Resident Magistrate of

SIR,—I enclose for your information and guidance, copies of a proclamation and of Government notices, which have been issued by me on assuming the distinct and separate Government of the eastern districts of the Cape of Good Hope. You will be good enough to cause them to be made extensively and generally known throughout the limits of your official jurisdiction or charge.

I am very desirous that the most frank and unreserved communication should exist between us in reference to the official transactions of your office, and I assure you of my sincere intention to uphold, by all the means in my power, the efficiency and respectability of your official position, and of my wish to receive in return from you, a zealous co-operation in that studious promotion of the public service, which is the paramount duty of our respective offices and the tenure by which they are held.

At the very commencement of my administration—whilst I have no personal acquaintance with you—and in this form of a circular letter (which being addressed to all civil commissioners and resident magistrates, cannot be construed as being individually directed to the admonition of any individual officer), I think it expedient to advert to one or two cardinal regulations of the public service, which, if constantly borne in mind and honestly acted up to, cannot but redound to the

honour of your office, to the credit of the local Government, and to the benefit of the public, whose servants we all in common are, each in his degree and order.

The first is, that claims, payable out of the public treasury, should be as sparingly incurred, as economically regulated, as severely scrutinised, as if they were to be defrayed out of the most limited resources, personal means, or private purse, of any unofficial individual.

2ndly. That no official person shall have any interest, direct or indirect, in the accounts against the public treasury, to which his certificate may be attached, or in which his official intervention in any manner or way has been invoked, or has been rendered necessary.

I have received the most express assurances of support from the Right Honourable Sir Henry Pottinger, my immediate superior, in the fixed determination to maintain and vindicate, in the foregoing respects, the efficiency and purity of all classes and ranks of the civil officers of the local government of the eastern districts, and that any necessary and proper degree of severity, even to the removal from office, which it may become incumbent on me to exercise towards public servants, in these respects, will receive his countenance and approbation.

You will decline to sanction any claim being incurred against the local government of a pecuniary nature, without my express sanction being previously obtained in writing; and in submitting such claim or proposed claim to my notice, for allowance, you will not fail distinctly to report whether or not there be on the public estimates of moneys to be appropriated to public purposes, any item or provision out of which the said claim may lawfully be paid.

You will, on every practicable occasion, resort to public and open competition, and to express written contracts, in regard to all pecuniary transactions, payable out of the public treasury.

You will, in your correspondence with me or my secretary, avoid mixing up or including in one and the same communication, distinct and separate matters of business; but assign each topic to a different and distinct written statement; as, for example, revenue and finance in a letter unconnected with police, religion, education, or public works; and each of these last-named, and other similarly distinct subjects, are to be set forth in separate official letters.

I shall be happy to advise with you, and to assist to the utmost of my power, in the extension of religion and education in your district, and in the furtherance of all local improvements, moral or physical; and I shall esteem it a great advantage to be at all times favoured with any suggestion on these points which it may occur to you or others to make.

In conclusion, I rely on your acceptance of my present instructions, in the cordial spirit of respect and esteem for your official character and person; and of zeal and anxiety for the good of the public service, which have induced me thus early to issue them. I trust, also, that you will give me an early opportunity of having the advantage of a personal intercourse with you, provided your public duties at present will admit of your absence for a day from your district.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant-Governor.

Fort Peddie, 26th April, 1847.

The Right Honourable the Governor,  
&c. &c. &c.

SIR,—The house formerly occupied by the Lieutenant-Governor of the eastern districts, as his official residence, at a rent of £300, having been for some time past unappropriated for that purpose, and being at present, otherwise disposed of by its proprietor, I have to solicit Your Excellency's sanction to my obtaining at Graham's Town, some other suitable official residence, at a rent not exceeding the customary rate, and causing the same, at the public expense, to be decently furnished, in terms of the existing colonial regulations.

I shall feel obliged by Your Excellency's early decision on this application, as I am at present subjected to the inconvenience and expense of defraying the cost of my lodging at an hotel, and cannot, with prudence, make other arrangements until I shall receive the honour of your instructions.

I have, &c.,

H. E. F. YOUNG.

Camp at Fort Peddie, April 27, 1847.

His Honour Sir HENRY E. F. YOUNG, Kt.

SIR,—In acknowledging the receipt of your Honour's letter of yesterday's date, I have the honour to convey to you my sanction to your providing yourself with an official residence at Graham's Town, and furnishing the same in the manner and on the terms you propose.

I have, &c.,

HENRY POTTINGER.

Fort Peddie, 26th April, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—Concurring as I do with Your Excellency, as verbally expressed to me, in the very great probability that Mr. H. Hudson, jr., has received from the Right Honourable the Secretary of State a nomination to the office of Secretary to the Lieutenant-Governor, under a misapprehension of the intentions of the then local authorities, I have, nevertheless, in consideration of his present expectations and alleged claims, no alternative but respectfully to move Your Excellency to approve of my authorising him to act in the above capacity, until the pleasure of the Secretary of State shall be further taken on the subject.

It is, however, satisfactory to me to know that Your Excellency coincides with me in opinion, that Mr. H. Hudson, jr., is both in respect to his past services and his local connexions, not the most eligible person to fill that office, if he can be otherwise suitably provided for. To remedy, as far as possible the inconvenience to the public service which may result in a colony such as the eastern districts, from the Messrs. Hudson, father and son, filling important offices in the same immediate locality, I submit that the clerk to the Lieutenant-Governor's Secretary, on the present salary of £150, should be styled Assistant Secretary, and that, under this designation, the latter office be offered to Lieutenant Owen, of the Royal Engineers.

In the event of Mr. Hudson, jr., not retaining permanently the office of Secretary to the Lieutenant-Governor, and that Lieutenant Owen should be found, on trial, well qualified to promote the interests of the public civil service, I should be happy to advise his promotion to the vacancy which may hereafter be occasioned by Mr. Hudson's ceasing to hold the office of secretary, by transfer to some other appointment. I have therefore to request that Your Excellency will be pleased to obtain the sanction of the Lieutenant-General commanding the forces to the employment of Lieutenant Owen, of the Royal Engineers, or of some other officer of that corps, in the civil service of the Lieutenant-Governor, in the manner here proposed.

I am not aware that the performance of this particular service would interfere with any military duties that might be assigned to him in Graham's Town; but at all events an Engineer officer, either detached from his ordinary military duties, or holding the office of assistant secretary jointly with his professional occupations, is likely to render essential service to the general interests of Her Majesty's subjects in this colony, which stands in need of so much internal improvement.

I have, &c.,

H. E. F. YOUNG.



Camp Fort Peddie, 27th April, 1847.

His Honour Sir HENRY EDWARD F. YOUNG, Kt.,  
Lieutenant-Governor, &c. &c.

SIR,—I have the honour to acknowledge the receipt of Your Honour's letter of yesterday's date, regarding the appointment of your secretary and clerk.

I have most carefully and impartially considered the papers laid before me on those points, and the only opinion I can arrive at is, that Mr. Hudson, junior, was not entitled, by the usages of the service,—looking to his rank and standing,—to expect to be nominated permanently to the situation of Secretary to the Lieutenant-Governor of the eastern districts.

As, however, that gentleman has been so appointed under the authority of Her Majesty's warrant, it only remains for us to render implicit obedience to the Queen's gracious commands, by allowing him to resume his appointment, accompanied by an intimation that the matter is still to be considered as open to a reference to the Right Honourable the Secretary of State.

You are already aware that Mr. Hudson, senior, has submitted a memorial to the Secretary of State, praying on certain grounds to be transferred from the civil commissionership of Albany to that of Uitenhage, and that that memorial has been forwarded to me for report. I will now send the case to you to investigate, and should there hereafter appear good grounds for our joint recommendation of a compliance with the prayer of the memorial, it will, I think, remove one very strong objection to Mr. Hudson, junior's, continuance in office as your secretary.

I shall submit to the Lieutenant-General commanding, &c., your wish to have the services of Lieutenant Owen of the Engineers placed at your disposal as assistant secretary, to which designation, instead of that of clerk, no objection occurs to me; but I apprehend that, in the existing great demand for officers of that branch of Her Majesty's service in this colony, it will not be in the Lieutenant-General's power to accede to your request. Besides which, I do not believe that any combination of civil and military functions such as you suggest would be admissible by the regulations of the service.

I have, &c.,

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 3rd May, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Baronet, G.C.B., &c. &c. &c.

SIR,—I have the honour to report to Your Excellency, that in pursuance of your authority to me, the office of civil commissioner and resident magistrate of Somerset, vacant by the transfer of the services of Mr. E. M. Cole to the office of commissioner, &c., at Shiloh, has been offered to and accepted by Mr. H. Hudson, junior.

Annexed are copies of my letters to that gentleman, of his reply, and of the government notice to be issued thereupon, and I have to request that report of this change of office may be made to the Right Honourable the Secretary of State, for his Lordship's approval.

I hope at an early date to be enabled to report the completion of the arrangements respecting the appointment of the Lieutenant-Governor's secretary and clerk, in regard to which appointments I have already had the honour of obtaining your Excellency's concurrence.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Camp, Fort Peddie, May 5, 1847.

His Honour Sir HENRY YOUNG, &amp;c. &amp;c. &amp;c.

SIR—I have the honour to acknowledge the receipt of Your Honour's letter of the 3rd instant, and to convey to you my concurrence and sanction to the arrangement for transferring Mr. Hudson, junior, to the office of civil commissioner at Somerset. I return the documents which accompanied your letter, and will defer addressing the Secretary of State until I know your arrangements regarding your secretary, &c.

I have, &amp;c.,

HENRY POTTINGER.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,

Graham's Town, 12th May, 1847.

His Excellency the Right Hon'ble

Sir HENRY POTTINGER, Bt., G.C.B.

SIR,—Having already received Your Excellency's approval of my nomination of Mr. C. H. Huntly to be clerk to the secretary to the Lieutenant-Governor, that gentleman has been duly gazetted to the office; an office which he filled during the administration of my predecessor, General Hare, and which he relinquished whilst the appointment of Lieutenant-Governor was in abeyance, and served in the situation of clerk to the resident magistrate of Port Elizabeth. This lastnamed office has consequently become vacant, by the return of Mr. Huntly to his former post in the Lieutenant-Governor's department; and for it, viz., the clerkship to the magistrate at Port Elizabeth, I have respectfully to submit the name of Mr. Dyason, junior.

Captain Lloyd, the resident magistrate at Port Elizabeth, is desirous that his own son, Mr. Lloyd, junior, should succeed Mr. Huntly.

On public grounds, however, I cannot advise a compliance, in this instance, with Captain Lloyd's wishes.

I believe Mr. Dyason, junior, to be eligible for the office, and he has the advantage of being unbiassed by local connexions at Port Elizabeth.

His father is the respectable resident justice at Bathurst,—an office very much underpaid at the present salary of £100 per annum.

Mr. Dyason, senior, has been very many years in the public service, and from my own slight personal acquaintance, and the reports of others better qualified to judge, I deem him to be an intelligent and deserving officer. He has a family of 12 children. Under all these circumstances, I beg respectfully to move Your Excellency, that Mr. Dyason, junior, be appointed clerk to the resident magistrate at Port Elizabeth, *vice* Huntly.

I have, &amp;c.,

H. E. F. YOUNG, Lieutenant-Governor.

Camp, Fort Peddie, May 17, 1847.

His Honour Sir HENRY YOUNG, Knight,

Lieutenant-Governor.

SIR,—I have the honour to acknowledge the receipt of your Honour's letter of the 12th instant, proposing Mr. Dyason, junior, as clerk to the resident magistrate of Port Elizabeth, *vice* Huntly, removed to be clerk to your secretary, and beg to express my concurrence in your proposal.

I have, &amp;c.,

HENRY POTTINGER.

No. 45.—Political.

Camp, Fort Peddie, May 1, 1847.

The Right Honourable the EARL GREY,  
Secretary of State.

MY LORD,—I have the honour to forward for Your Lordship's information, a copy of a letter which I have this day written to the Lieutenant-Governor of the eastern districts of this colony, referring to Your Lordship's despatch to my address, No. 35, of the 15th of February last.

The result of Sir Henry Young's investigation will hereafter be submitted, together with any modification of the opinion I now express, that may happen to become requisite.

I have, &c.,

HENRY POTTINGER.

Camp, Fort Peddie, May 1, 1847.

To His Honour Sir HENRY EDWARD FOX YOUNG, Knight,  
Lieutenant-Governor, &c., &c.

SIR,—I have the honour to forward to Your Honour a copy of a despatch, No. 35, of the 15th of February last, from the Right Honourable the Secretary of State, to my address, calling on me to investigate and report on certain allegations set forth by the Rev. Wm. Elliott, as to unjust and arbitrary steps taken by the municipal officers of Uitenhage, against Fingoes and other natives, who were directed by your predecessor to be allowed to locate at that place.

Lord Grey's despatch is accompanied by a large accumulation of correspondence and documents, which have been sent to me from the Government archives at Cape Town, and I likewise transmit, as bearing immediately on the question, a private note, with a memorandum and other papers, which I received from the Rev. Mr. Elliott, before I left England.

I have read this large mass of papers with all the attention I could command amidst my other laborious duties. I cannot discover that any reply was given by my predecessor to Mr. Elliott's memorial up to the 15th of July, 1845, No. 10 of one of series of the papers; but there is ample proof that no pains were spared in inquiring into the statements it contains. And I may add, without the most remote idea of influencing your Honour's judgment, that I have risen from the perusal of the whole, with the impression that every fitting consideration has been shown towards the native classes, consistently with the general interests and public good of the town of Uitenhage.

The calamitous events of the war, which have spread such desolation and misery over a large portion of the eastern districts of the colony, will, I fear, be found, when you come to look into these matters, to have caused great and lamentable changes in the condition as well as habits of the Fingoes; and, indeed, of all the other native tribes throughout the eastern end of the colony, by drawing their ideas and feelings from peaceful pursuits to those of rapine and war, and by further introducing amongst them an almost universal notion that Government is prepared to support permanently, not only themselves, but their families, on the terms of their simply affording the military service to the state.

To a certain extent, perhaps, at one period of the war, this notion was a natural one, as every man who could be called forth, seems to have been demanded for the defence of the colony; but it obviously should have ceased with the extreme emergency; and that, I apprehend, has not been the case. From the returns which have been partially sent in, in obedience to the Government notices of the 3d and 10th of last month, I can already see that there are immense bodies of Fingoes employed in levies, &c. (at least, nominally so), who ought to be occupied in agriculture, and who, I cannot perceive, are now rendering themselves

useful, whilst they are neglecting their lands and labour at this important season of tilling and sowing.

I have been, and am taking steps to remedy this evil as generally as may be possible; and I think it desirable to draw your Honour's attention to it, as you will most likely discover, at the very outset of your investigations, the truth of the remarks I make, and the consequent urgency for speedy and final reform.

I have, &c.,

HENRY POTTINGER.

No. 35.

Downing-street, 15th February, 1847.

The Right Hon'ble Sir HENRY POTTINGER, Bart.

SIR,—I avail myself of the approaching departure from this country of Mr. Young, to assume the office of Lieutenant-Governor of the eastern districts of the colony of the Cape of Good Hope, to convey to you the following instructions, respecting the present condition and the future treatment of some of the native inhabitants of those districts.

In the month of Nov. last, the Rev. Wm. Elliott, a missionary in the employment of the London Missionary Society, laid before me a memorandum, of which I enclose a copy, representing the injustice inflicted by the municipal corporation of Uitenhage on the Fingoes, and on other of the natives living in the immediate vicinity of that place. Mr. Elliott also placed in my hands a memorial, which, on the 15th July, 1845, was addressed by himself to your predecessor, on the same subject. I enclose a copy of that memorial, though you will probably find the original among the records of your Government. Yet, as no communication respecting it appears to have reached this office, it may possibly have escaped Sir P. Maitland's attention.

The general result of Mr. Elliott's statements is, that before the establishment of the municipality of Uitenhage, the Fingoes were settled by Sir Benjamin D'Urban on crown lands in that vicinity,—that they continued for some years in the undisturbed enjoyment of those lands,—that their conduct while resident there was habitually marked by diligence and propriety,—that they erected on the lands many dwellings, and cultivated several small parcels of ground, and depastured there a few head of cattle,—and that these proceedings were expressly sanctioned by the local Government. But, when the municipality of Uitenhage was established, the condition of these people underwent (as Mr. Elliott represents the case) a material change for the worse. Some of them were turned out of their lands, others were permitted to remain on them, but on terms so vexatious as to be, in the result, equivalent to an actual ejection. They were thus compelled to abandon their dwellings and their growing crops, and to become vagrants in the bush, or wherever else they could find a place of refuge.

Such is Mr. Elliott's understanding and statement of the facts. I trust that his information may prove to have been either erroneous or defective. The silence of Sir P. Maitland might seem to justify the belief that, on inquiry, he had either discovered the complaint to be unfounded, or had been unable to afford effectual and complete redress.

I cannot, however, satisfy myself with these mere surmises, however reasonable they may appear.

I must request from yourself a full report as to the real facts of the case, and of any measures which may have been taken by Sir P. Maitland on his receipt of Mr. Elliott's memorial of July, 1845. I am desirous to know, in as much detail as may be practicable, how far the grievances represented by Mr. Elliott were found, on inquiry, to exist,—how far they are still existing,—and what is the actual condition of the Fingoes in question, and of the other natives who are said to have partaken of the same hardships.

If I should proceed on the supposition that Mr. Elliott's information is accurate, it would first seem to follow that the municipality of Uitenhage are in possession of a large tract of crown land, not required for the objects of their incorporation. Such lands, in the immediate vicinity of the town, as it may be necessary to occupy to ensure the good order and cleanliness of the place, or the health, comfort, and security of the inhabitants, may very properly be placed under their management. But there would seem to be no sufficient reason for assigning to this, or to any other of the colonial municipalities, any crown lands not required for those purposes. The territorial possessions of any such body ought to be carefully restricted within the limits I have mentioned, and the law should precisely define the extent and the limits of them.

If, however, the lands in question are not lawfully vested in the municipality of Uitenhage, and if they have made an illegal use of their powers in the ejectment of the natives settled in their neighbourhood, you will cause the necessary measures to be immediately taken for the reinstatement of those persons in their rights. Or, if the result of your inquiry shall be to show that the ejectment was well-founded in point of law, and that the municipality have made an unjust use of powers strictly and technically lawful, you will consider how far it may be right that the law should abridge those powers, and should take effectual security against the repetition of any such abuse of them. But if, on the other hand, the result of your inquiry should be to show that the ejectments in question were not only lawful, but also reasonable and just, you will then consider whether compensation cannot be made to the sufferers, by the assignment to them of crown lands, for their maintenance in the nearest practicable vicinity to those of which they have been dispossessed. Mr. Elliott believes that there is abundance of such land available for that purpose in that neighbourhood.

I do not overlook or undervalue the benefit which might be derived from the removal of these people to a greater distance, and from their migration to the eastern frontier of the colony. As settlers, they might be of the greatest advantage to the colony at large. But it is an advantage to be obtained only by their free and spontaneous migration. Even if it were not unjust, it would be unreasonable and dangerous to effect settlements on the eastern frontier by expelling unoffending men from homes created by their own industry, and with the express sanction of the Government under which they live.

To whatever extent the Fingoes or other native tribes may be spontaneously and freely disposed to migrate to the frontier, and to take up their residence there, it is a measure to which too much encouragement cannot be given. You are well acquainted with the principle on which the village communities of India are organized; and on a similar principle it might perhaps become practicable to establish similar settlements of Fingoes and other native inhabitants on the territories which are hereafter to separate the colony from the Kafir territory. The terms upon which land should be assigned to the inhabitants of such frontier villages would require to be carefully considered, and I am of opinion that it would be highly desirable (for the reasons I have stated in former despatches) that the land so held should be subject to a moderate tax or rent, which might probably afford the means of raising either the whole or some considerable part of the funds required to defray the expense of schools, of missions, and of the administration of the law in petty cases among them.

If at the commencement of such settlements it should be found difficult to obtain from them money payments, the practice so universal in the earlier ages of the world, and still prevailing in many countries, of deriving a revenue from land by requiring the payment in kind of a tithe of the gross produce of the soil, might, I think, be adopted with advantage. It is true that in a more advanced state of society, when capital comes to be invested in permanent improvements, such a mode of imposing a charge upon land is in the highest degree burthensome and oppressive; but experience proves that such a system has from the earliest ages been found well adapted to the wants and habits of men in the first stages of civi-



lization. I should see, therefore, no objection to the adoption of such a system, provided the occupier of the soil were invested with the right of paying, in lieu of tithe, some small fixed amount of money, whenever he should find it his interest to do so. Any such money payment should be in the form of a low acreable, charge, without reference to the quality of the land. The villages themselves might be made strongholds for the protection, not only of the actual inhabitants, but of the adjacent country. The establishment of such communities might be made subservient to the extension of christianity, through the agency of the schools and missionaries, and of civilization, by the occasional, but regular, employment, both of the schoolmaster and the missionary, in teaching many of the arts of social life. Among those arts, there are none which would apparently be of more value at the Cape of Good Hope than all those connected with improved agriculture, and more especially that of irrigation. There is hardly any region of the earth in which the benefit of artificial irrigation would be greater, nor where the facility for constructing tanks is believed to be more considerable. The steep gullies everywhere intersecting the long mountain ranges, must afford many opportunities for forming reservoirs of water, by throwing dams across their mouths, and the heavy rains which are at present carried off in useless or dangerous torrents, might, as it should seem, be collected with great facility in such places, as the means of fertilizing, in the drier season, the whole of the lower country.

The inhabitants of the villages I contemplate might thus, in many ways, be rendered eminently useful members of the colony. They might be of yet further advantage, partly as supplying recruits to any black regiments which might be established and quartered in their vicinity, and partly as forming the nucleus of a native frontier militia, who might be well relied on for the defence of their own homes, and for arresting any future invasions of the Kafir tribes.

I limit myself to this brief indication of the uses to which such communities might apparently be turned, for I am well aware that on such a subject, it is impossible at this distance to make any useful advance beyond the general principle, and that all subordinate details must be filled up within the colony itself by the experience, the local knowledge, and the practical skill of the colonial government and legislature.

To that legislature, however, it seems to me that one other suggestion ought to be made, in connexion with any plan of settling the frontier through voluntary emigrants from the interior. Such emigrants might not unnaturally, betake themselves to the rearing of sheep and cattle, according to the ancient and general habits of the colonists. But it is on every account desirable that their energies should be rather directed to agriculture; and as the cattle and sheep form the great temptation to the invasion of our territory, and is thus the cause of a large part of the expense of defending it, I think it would be at once equitable and politic to impose on cattle and sheep, depastured in the eastern districts, a rate or tax according to their numbers. I believe that no insuperable difficulty would arise in the apportionment and collection of such an impost. If so imposed, it would, at the same time, afford an addition to the revenue, applicable to the improvement and protection of the proposed villages, and also somewhat discourage the employment of labour and capital in a manner which, in the peculiar circumstances of these districts, must be far less favourable than the cultivation of the soil to the advancement of civilization, and to the safety and prosperity of the colony.

I have, &c.,

GREY.

Uitenhage, 15th July, 1845.

To His Excellency Sir P. MAITLAND.

The memorial of W. Elliott, missionary, humbly sheweth:—That for many years past, a considerable number of Fingoes, Basutos, Hottentots, and late

apprentices, forming a large portion of the most valuable class of labourers, have been allowed by the local authorities to locate themselves on Government lands in the neighbourhood of the town of Uitenhage.

That on the recent formation of the municipality, these persons were virtually withdrawn from the protection of the magistrates in regard to the enjoyment of the privileges which had been accorded them by the local authorities, by the commissioners of the municipality being invested with uncontrolled power over the town commonage, a power of which they have manifested a determination to avail themselves, by repeatedly attempting to eject the abovementioned persons of colour from their locations on the town commonage.

That in consequence of the procedures of the commissioners, a very considerable number of valuable labourers, together with their families, have left the village to seek a refuge beyond the frontiers. That notwithstanding the intentions of the colonial Government, indicated by a letter from the Secretary, Mr. Montagu, bearing date November 15, 1844, in which it is expressly declared that the abovementioned persons ought not to be removed, and that "they ought not to have any fresh conditions imposed upon their locations, because, as the municipality received the land with these people upon it, they have no right to disturb them," these persons are still exposed to those annoying interferences which cause them all to feel uncertainty as to their position; and many of them contemplate the abandonment of a village where they find themselves under the unmitigated control of the class of society immediately above them, and beyond the shield of the colonial Government.

That the nature of the interference complained of is illustrated by the following case. In October, 1843, four Basutos, of irreproachable character, well known industry, and prosperous circumstances, were cast into prison by the clerk of the commissioners on an absurd charge of vagrancy, in accommodation to a friend, to whom the location of these persons was a desideratum. The prisoners were discharged on the clerk of the peace finding no ground of prosecution. Two of these persons are now ordered by the commissioners, from a similar motive, to quit their locations, and abandon or destroy the house they have erected at their own expense, and occupied many years.

Your memorialist is persuaded that the colonial Government could never have anticipated such a gross abuse of the extensive powers with which it has invested the municipality; and, urged by the entreaties of a great number of worthy and industrious families who feel themselves exposed to crushing oppression, humbly prays that Your Excellency will be pleased to sanction and enforce some arrangement, by which such of the Hottentots and late apprentices as have erected houses and cultivated gardens on the town commonage, by the sanction of the local authorities, should have the opportunity of purchasing, on such easy conditions as would be within reach of their limited means, the little plots of ground which they have occupied many years; and that Your Excellency would be pleased to adopt such measures as Your Excellency's wisdom will suggest, for protecting the Fingoes and Basutos in the undisturbed enjoyment of those privileges which have been allowed them by the colonial Government. And your memorialist, as in duty bound, will ever pray.

W. ELLIOTT,

Missionary of the London Society.

At the close of the Kafir war in 1835, some thousand Fingoes, who had been driven by their enemies into Kaffraria Proper, and had fallen into a state of vassalage to the Kafir chief Hintza, were rescued from bondage by the British troops, and located in the frontier provinces of the colony of the Cape of Good Hope, by His Excellency the Governor, Sir B. D'Urban, with the twofold design of providing a refuge for these oppressed foreigners, and supplying the colonists with a valuable body of free labourers.

For some years these strangers continued in the undisturbed enjoyment of the locations which had been accorded them by the local authorities; considerable numbers of them engaged themselves in the service of the colonists as herds, labourers, or domestic servants, and others obtained their livelihood by supplying the inhabitants of the frontier towns and villages with milk and firewood, at a very reduced rate. They conducted themselves generally with great propriety, and the records of the local courts of justice bear testimony to the extreme paucity of cases of delinquency among them. A few years ago, municipal governments were established in several of the frontier towns and villages, with such power over the town lands, as seriously to interfere with the long enjoyed privileges of the Fingoes and other persons of colour, who had been suffered by the local authorities to erect buildings, cultivate little patches of ground, and depasture a few head of cattle on those lands. Soon after the establishment of these municipalities it was perceived that the situation of the Fingoes, and other classes of the coloured population similarly circumstanced, was become exceedingly precarious. In some instances they received summary notice to quit their locations, on pain of having their property destroyed; and in others the conditions of their remaining on the town lands were made so vexatious as to amount to a notice of ejectment. The industrial habits of these deserving people were constantly disturbed; many families were obliged, notwithstanding the reiterated assurances of the colonial Government that they should not be disturbed, to abandon their dwellings and their unripe crops, and betake themselves as vagrants to the jungle, or wherever they could find a place of refuge, and the progress of civilization has become seriously impeded by that feeling of insecurity which universally obtains among the coloured inhabitants of the colony, who had fondly calculated on the continuance of protection from the colonial Government, but who now find the shield of that Government withdrawn from them.

The colonial Government has ample resources in disposable Government lands, for the satisfactory accommodation of those classes of the coloured population that are now thrown into the greatest embarrassment by the arrangement of the municipal authorities; and so far from such an accommodation being in any respect injurious to the interests of the colonists generally, those interests would be greatly promoted by it, inasmuch as it would secure the formation and improvement of an industrious peasantry.

The very valuable services which the Fingoes, Hottentots, and other persons of colour have rendered to the colony during the present Kafir war will preclude any doubt as to their claims on the kind consideration of H. M. Government, or as to the policy of securing their willing and grateful services, as efficient auxiliaries to the colonial forces.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,

Graham's Town, 26th May, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B., &c., &c., &c.

SIR,—I have had the honour to receive Your Excellency's despatch of the 1st instant, enclosing a copy of despatch No. 35, of the 15th February last, from the Right Honourable the Secretary of State, respecting the Fingoes of Uitenhage, and their treatment by the municipality of that place.

I beg to state that the subject has been referred to the civil commissioner of Uitenhage, with whom I have recently personally conferred on the general actual condition of the Uitenhage Fingoes, and the propriety of adopting measures for effectually affording them, for the future, the utmost security in their locations, and also for enabling them to make greater advances towards civilization than have hitherto resulted from their residence within the colony.

On the case of the Uitenhage Fingoes I shall make a special report, so soon as the civil commissioner of that district enables me to do so.

In the meanwhile I beg to advert to the condition of the Fingoes, in the neighbourhood of this town and Port Elizabeth, who, unlike the Uitenhage Fingoes as yet, have already come under my own personal observation, and whose cases are not, as far as I know, complicated by any disputes with the local civil authorities.

I am aware that Your Excellency concurs in opinion with me, that these people throughout the colony, as a body, are in a most barbarous condition, exhibiting but in a very limited degree, and only in a few rare instances, any perceptible signs of having derived benefit from missionary exertions to promote their civilization.

For my part, neither among the negroes of the West Indies, nor the aborigines of Guiana, have I ever witnessed so many human beings in so savage and disgraceful a state. The annexed copy of a letter to the resident magistrate at Port Elizabeth, immediately after being sworn into office, affords one instance of the extent of habitual callousness to the most ordinary decency, with which these people are at present imbued; a toleration of which, I have reason to suppose, is terminated, so far as regards their personal appearance in that town, by my instructions to the magistrate.

Precisely the same open and general indecency, hitherto prevailing at Port Elizabeth, is not witnessed at Graham's Town; nevertheless, at a very short distance from the inhabited part of this town, in the adjacent Fingo villages, utter disregard of the most common decencies of life, as observed in other parts of the world, are frequently to be met with; and on very creditable testimony, it is believed that degrading habits and customs only read of as existing in the most barbarous and remote parts of this continent, scarcely known to civilised men, are still rife in a very large proportion of the Fingo huts of Graham's Town.

It is true, that as respects the small number of these people under missionary influence, and when actual attendants at chapel, decent and proper clothing is reported to me to be invariably required from, and is used by, them: but the influence of these civilized Fingoes has had no perceptible effect on that much larger number of their countrymen who are as yet uninstructed.

Moreover, the improvement of those who are in some degree civilized, is retarded by the present tolerated barbarism of their neighbours in the same village.

The fruits of the industry of the Fingoes are not exhibited in their external condition; nor in the acquisition of any property, except cattle; and the services of those Fingoes who are now embodied as native levies, in aid of the regular military force of the colony, although hitherto obtained by the pernicious system which Your Excellency repressed, of supporting their wives and children, in addition to the pay and rations of the men, would, I fear, have scarcely procured their enlistment, had not the temptation of participating in the booty of captured cattle presented itself to their minds as a probable further gain to be derived from military service.

The most casual inspection of the huts, of all classes of Fingoes, is sufficient to show that, so far from cleanliness and decency being practicable in such abodes, they are only fit for, and can only be compared to, the dens of wild beasts, and exhibit no greater ingenuity of construction than the round mounds of ant-hills, with which the country harmlessly abounds.

The low circular form of these huts, the filthy and fragile materials of which they are composed, the absence of all openings for air and light, except the solitary place of ingress, which is evidently framed not with a view so much to the health and convenience of the inmates, as for the purpose of placing in a crouching and disadvantageous posture any hostile intruder about to enter the den,—dwellings such as these are evidently unfit for the use of men destined to be civilized.

It is superfluous to add that, independently altogether of the common charity which prompts to the amelioration of the condition of these people, it is highly impolitic, and must, eventually, turn out dangerous, to retain hordes of savages



in immediate contiguity to our town; living without improvement, without any gradual adoption of our manners and customs; ignorant of our language, and holding converse with us through an interpreter; without any progressive appreciation of all that is necessary to the comfort, convenience, and safety of social intercourse, and without the influence of those incitements to industry, which a sympathy with civilized wants must impart.

Should greater success not in future attend our plans for their civilization, and for a more perfect amalgamation between these people and ourselves, than now exists, the natural increase of the present colonial population of the town, independently of any influx of emigrants, will inevitably, one day or other, inconveniently press on the growing numbers of the neighbouring Fingoes, and the collision between the two races, thus severed from each other by dissimilar habits and customs, will prove quite as disastrous, if not more so, than any that has yet taken place between the present colonists and the comparatively distant Kafir tribes. In these views I do not presume to imagine that there is anything of novelty presented to Your Excellency's experienced judgment. My object in adverting to them is to obtain your sanction to the attempt to induce the Fingoes of this town to form themselves into communities, under proper rules and regulations, to be enforced with the aid of the sanction of law, and administered by their own head men; by which the construction of their cottages,—the cleanliness of their villages,—the condition of their grounds by enclosures,—the dress of the villagers,—and the systematic instruction of their youth,—shall all be rendered more conformable to their own true and permanent interests, and the advantage of the European colonists, than is the case at present.

I have consulted with the Wesleyan missionary, the Rev. Mr. Shaw, who is generally reported to have influence over the most intelligent of the Graham's Town Fingoes; and he, concurring with my plans, has promised me his best aid in carrying them into practical execution.

The great inducement however to the Fingoes to consent to my measures for approximating them nearer to the stations of civilized men, than they have as yet attained, will be to secure to them, by legal titles, the possession of their present locations; and for this purpose I respectfully move Your Excellency to sanction a departure from the rule respecting the disposal of Crown land, which requires it to be disposed of at an upset price, in quantities not less than 100 acres. I propose issuing to each head of the family inhabiting a Fingo hut, a grant of two acres of land, on condition of erecting a cottage, in a prescribed manner, enclosing the ground and paying an annual tax of one pound sterling, to be for ever hereafter exclusively expended on the general improvement of the village in which his cottage is situate, and in the maintenance of the educational establishment to be formed in the village. I annex a census, which I have recently taken from the Graham's Town Fingoes.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant-Governor.

Eastern Districts, Cape of Good Hope.

Government Office, Court House,  
Graham's Town, 29th April, 1847.

Captain LLOYD, Resident Magistrate,  
Port Elizabeth.

SIR,—In the municipal regulations of Graham's Town, number 43, I find the following salutary enactment:—

“All native foreigners and other persons appearing in the public streets without being covered with such articles of clothing as decency requires, shall for each and every offence be liable to a fine not exceeding five shillings, and, in default of payment thereof, to imprisonment for not more than three days.”



I exceedingly regret that there seems to be at Port Elizabeth, as yet, no authority, municipal or magisterial, which is exercised in that town, to suppress the public indecency referred to in the foregoing extract.

Nevertheless, the offence punishable in this town by municipal regulations cannot but, from its nature, be an offence at common law, throughout every part of the colony, and, as such, cognizable by any justice in the ordinary commission of the peace.

I have therefore to direct you to employ the police of your district in repressing the nuisance I witnessed at Port Elizabeth, of persons in open day following their ordinary occupations in a perfect state of nudity.

To the uncivilized persons who thus exposed themselves, there ought not perhaps to be attached so much blame as to the police and magistracy of the district. The former may possibly not entertain the same opinions or feelings on the subject as are entertained by civilized people all over the rest of the world. Nevertheless, independently of any want of participation on their part in the notions of delicacy and decency which are common to us, I cannot but conclude, that if proper pains had been taken by the local authorities to induce the Fingoes to adopt our customs of dress, as serving the purpose, at least, of external signs of their being British subjects, and not averse from rising in the scale of civilization; the scandal of such apparently habitual and daily scenes of public indecency would have been long since removed from Port Elizabeth. By persuasion, explanation, and warning, you will be so good as to use all your official influence with the persons who have thus hitherto been tolerated in the practice of this offence, to induce them to discontinue it; in like manner, you will attempt to enlist the public opinion of the respectable and intelligent members of the community in favour of the discontinuance of employment to people thus unclothed; but after a fair and reasonable experiment of these mild measures, you will not fail to exercise to the utmost whatever power and authority the existing laws may have conferred on you to prevent and punish this offence.

If the existing laws are defective, be so good as to report in what respect they are so, and suggest the appropriate remedies; after which a decision will be arrived at whether fresh laws are needed, or new executive police and magisterial officers are necessary to the enforcement of the present regulations.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

A RETURN, showing the number of huts inhabited by the Fingoes in Graham's Town, and where situated, with the average number of men, women, and children; taken in the month of May, 1847, by order of Lieutenant-Governor Sir HENRY E. F. YOUNG, by GEORGE CYRUS, Government Interpreter.

Names of the Head Men of each Kraal.	Where situated.	No. of Huts.	No. of Men.	No. of Women.	No. of Children	Remarks.
Sikunthla .....	{ West End of } the Town,	127	180	200	300	The computation is supposed to be too low by three or four hundred.
Mathoba .....	Burying Ground,	72	80	80	160	
Batjwa .....	Beyond do.	42	40	40	80	
Adam .....	Do.	33	33	33	66	
Dinga .....	Do.	17	17	17	34	
Umtoniswa .....	Do.	17	17	17	34	
Simba .....	Do.	5	5	6	12	
N'Galo .....	{ Opposite Fort } England	70	70	80	160	
Tatawe .....	Settlers' Hill,	10	10	10	14	
Total,		393	452	483	860	

Cape of Good Hope, Eastern Districts.

Government Office, Court House,

Graham's Town, — June, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Baronet, Governor.

SIR,—I have the honour of forwarding to Your Excellency, a copy of an address from the inhabitants of Fort Beaufort, and a copy of the reply which I returned.

With reference to that part of the address which adverts to the uncivilised condition of the aborigines near the town of Fort Beaufort, and referring also to my letter to Your Excellency on the 26th ultimo, respecting the Fingoes in the vicinity of Graham's Town and Port Elizabeth, and to the despatch of the Right Hon'ble the Secretary of State, No. 35, of the 15th February, 1847, on the condition and treatment of the native tribes near Uitenhage, I have the honour of forwarding a draft of the general regulations, which, in my opinion, might, with advantage, be promulgated, as being conducive to the effective supervision and the gradual improvement of the existing locations of natives within the eastern districts.

Unless Your Excellency should see reason to the contrary, I propose communicating the draft of these regulations to the municipality of Graham's Town, for such suggestions of addition or amendment as that body may be pleased to favour me with; and thereafter to each of the other municipalities of the eastern districts. I propose making known the regulations thus revised, and my intention of promulgating them in the districts adjacent to their respective municipalities.

The draft regulations were prepared by the Rev. Mr. Shaw, Wesleyan minister, after communication of, and in accordance with, my views. I have reason to think that a large portion of the more intelligent Fingoes near Graham's Town are, to a certain extent, likely to be influenced by the advice of this highly respectable and experienced missionary, and by the assistance which he has kindly promised to render me, in introducing the regulations herewith forwarded.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Graham's Town, 16th June, 1847.

His Honour Sir HENRY E. F. YOUNG, Kt.,

Lieutenant-Governor, &c.

SIR,—In reply to Your Honour's letter, without date, but received yesterday, enclosing copies of an address from Fort Beaufort, and of your reply, and also a draft of general regulations for the location of native settlers, I beg to say that I highly approve of those regulations, and that I am not aware of there being any legal or other objection to their promulgation.

On a subject, however, of such general and lasting importance as the future welfare and advancement of the eastern portion of the colony, I think it my duty to obtain the opinion of the Hon'ble the Executive Council, including that of the Hon'ble the Attorney-General, before I can finally authorise their being carried into effect.

I shall, therefore, forward your original letter and enclosures to Cape Town with that view; and should Your Honour decide on publishing them in the mean time, a period can be named for their coming into operation.

I have, &c.,

HENRY POTTINGER.

## ADDRESS

TO HIS HONOUR SIR HENRY EDWARD FOX YOUNG, Knight, Lieutenant-Governor and Commander-in-Chief, in and over the Eastern Districts of the Colony of the Cape of Good Hope, &c.

We, the undersigned, inhabitants of Fort Beaufort, beg leave to congratulate Your Honour on your appointment as Lieutenant-Governor, and hail your arrival among us as an event of the most vital importance.

We feel anxious to bring to the notice of Your Honour the growing importance of this place, containing a greater number of inhabitants, with a more considerable population contiguous, than some of the inland towns which are privileged with a resident civil commissioner and magistrate, besides a municipality; while we have only a resident justice of the peace, whose powers are so limited that we are compelled to proceed to the seat of magistracy in Graham's Town (a distance of forty-six miles) to recover a petty debt, or to give evidence in any criminal case.

This is found to be a most serious inconvenience (an idea of which may be formed from the fact that about one hundred persons were subpoenaed from the town and neighbourhood to the last circuit court), and it tends to encourage crime, as many thefts are passed over unnoticed, to avoid the trouble and expense of bringing the offenders to justice; and many unprincipled persons are by the same causes enabled to avoid the payment of small amounts. We therefore beg Your Honour will be pleased to make this place the seat of a resident magistrate.

We feel it imperative upon us to bring to your notice that, for several years past, and to the present time, large numbers of natives (Fingoes and others) have been, and are, in the habit of settling themselves in different localities, in unrestrained indulgence of their heathenish customs and obscene practices, and affording a refuge for thieves and vagrants.

We trust such measures will be adopted regarding them as will tend to the formation of habits of industry, and thus render them useful members of society.

We beg further most respectfully to bring to the notice of Your Honour the subject of our town commonage. When the town was originally laid out, the commonage allotted was extensive and sufficient for a large community; but in consequence of the arrangements entered into with the Kafir tribes, in the year 1836, a large portion was ceded to them, even a part of the measured erven, and subsequently locating a number of Hottentots along the Kat River, in the immediate vicinity of the town, we have been nearly deprived of the common lands.

We beg the liberty here to state our conviction that the locating of these persons on the town lands was a most injudicious measure. By our peculiar position an extensive commonage is indispensable; and we would adduce as an additional reason, that should ports be opened eastward of the Fish River, and the projected road to the Tarka be carried into effect, this town will become an important position in the transit to the north-east parts of the colony. As an opportunity now offers for the extension of the town lands, by the annexation of the portion of the ceded territory formerly included, we humbly pray that Your Honour will take this subject also into your most favourable consideration.

We have, &c.,

(Signed by most of the Inhabitants).

## REPLY.

Government Office, Graham's Town,

4th June, 1847.

To Messrs. W. R. THOMPSON and FRANKLIN.

GENTLEMEN,—I request that you will be so obliging as to convey to the inhabitants of Fort Beaufort my best thanks for the very obliging address of

congratulation on my appointment to the charge of the eastern districts, which you have been deputed to present to me.

It affords me great gratification to announce that the extension of the powers of the office of justice of the peace at Beaufort to the jurisdiction of a resident magistrate, to the utility of which extension the address has adverted, engaged my attention at an early period after my arrival in the colony; and that to procure the requisite enactment, I have already made successful application to His Excellency the Right Hon. the Governor, with whom is exclusively vested at present the power of initiating in the Council at Cape Town the legislation on this subject, to which the inhabitants of Fort Beaufort have so long had the strongest claim on the grounds of public convenience, economy, and the due and speedy administration of justice.

I beg that you will make known to the inhabitants of Fort Beaufort that I shall be happy to do all in my limited power to facilitate the establishment of their municipality. Such institutions, when administered with scrupulous regard for the legal or prescriptive rights of the poor and ignorant, as well as of the rich and intelligent, and when successful in the promotion of local improvement, cannot but accelerate and justify the formation of that more general and extensive system of representative government which is commended to our affections by the model, and to our reason by the successful experience, of the mother country. I trust that the care and attention of the municipality, when established at Fort Beaufort, to the comfort, cleanliness, convenience, and sanitary condition of its rising town, and by their entire abstinence from all undue interference with individual rights and liberties, will afford happy augury of the benefits to be derived from a more general and extensive form of a local government.

My early consideration shall be given to the condition of the natives, Fingoes and others, at Beaufort, with a view to diffuse among them those indirect but strong impulses to industry which are created by an acquaintance with and an appreciation of the comforts and conveniences of civilized life, which are compatible with the same unrestrained disposal of their time and honest gains which is enjoyed by ourselves, and which is their unquestionable right, no less than our own.

It will be a principal part of my study to the above end to secure to the Fingoes a legal title to whatever erven within the town, or land adjoining it, they have been authorised to occupy, and which they are now using as their homesteads. I believe it to be practicable to make such titles conditional on the payment of a tax, sufficient to provide for the expense of maintaining the institutions of police and education, which are necessary to the good order and civilization of the community.

With respect to the increase of the town lands, so as to give a greater extension of commonage for the depasturing of cattle and sheep, I would observe that whatever moderate quantity of land may be necessary to the health and comfort and security of the town, will, no doubt, be readily placed by Her Majesty's Government under the management of the future municipality. I cannot, however, hold out the slightest prospect that any territorial possessions will be allowed to the municipality beyond what are absolutely necessary for carefully defined and restricted town purposes.

Whatever may be the regulations regarding the present or future depasturing of cattle on crown lands, they must of course apply to the Fingoes as equally as to the other classes of Her Majesty's subjects, whether in towns or in rural districts. Moreover, as cattle and sheep form the great temptation to the invasion of our territory, and thus become the cause of a large part of the expense of defending it, it seems equitable and politic to devise measures, by taxation or otherwise, having a tendency to discourage the employment of labour and capital to the rearing of flocks and herds, and to direct the public attention more to the cultivation of the soil, as best conducive to the permanent safety and prosperity of the colony, which, within its present limits, is abundantly large for the exercise of all our energies, and the reward of our best industry and enterprise.

In conclusion, I request you will inform the subscribers of the address, that I hope, at an early period, to visit the town of Beaufort, and by personal inspection to satisfy myself further as to the wants and wishes of the inhabitants, to promote whose interests in a manner permanently useful to the whole community, will ever be my most anxious study.

H. E. F. YOUNG.

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MINUTE.

Colonial Office, Cape Town, 28th June, 1847.

In compliance with the instructions of the Right Honourable the Governor, conveyed by his minute of the 16th June, 1847, the undersigned have read the draft of certain regulations proposed by His Honour the Lieutenant-Governor, for the better management and supervision of native locations in the eastern districts.

We conceive that the plan and principles of those regulations are very judicious. The modifications, if any, which they will require, can be best determined when His Honour shall have received the observations of the several municipalities to which he purposes to send copies, and invite remarks.

We are aware of no impediments to the establishment of such regulations,—save such as may possibly arise out of the royal instructions, or the municipal ordinance, No. 9, 1836.

But so far as the land necessary for the location belongs to the *Crown*,—the despatch of Lord Grey, No. 55, of the 15th February, 1847, may, we think, be considered as authorising, in this case, a departure from the course of public sale, as prescribed by the Governor's commission and instructions for the alienation of crown land; and so far as the native locations could be settled upon the pasture lands of any municipality, the commissioners may be relieved by ordinance, from the fetter imposed by ordinance 9, 1836, section 39.

Until the regulations shall be brought into that state in which they shall appear to His Honour to be fit for promulgation, it would be premature to consider whether they, or any of them, will demand the sanction of a legislative measure, or whether all they aim at may be accomplished simply by consent of parties and executive authority.

JOHN MONTAGU.  
HARRY RIVERS.  
W. PORTER.  
W. FIELD.

Cape of Good Hope, Eastern Districts.

Graham's Town, 16th August, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—With reference to your Excellency's letter of the 1st May last, enclosing a copy of the despatch of the Right Honourable the Secretary of State, on the representation of the Rev Win. Elliott, of the London Missionary Society, of the treatment of the Fingoes and other aboriginal tribes in the vicinity of Uitenhage, by the municipality of that place, I have the honour of forwarding a copy of a letter, under date the 21st May last, from the resident magistrate and civil commissioner of Uitenhage; and also of a communication which I subsequently addressed to that officer on the 21st ultimo, together with a printed draft of the proposed regulations for the locations of Fingoes and other natives within the eastern districts.



I have, as yet, received no further communication from the resident magistrate at Uitenhage, but I have reason to believe, from other sources of information, that the proposed regulations for native villages will prove satisfactory, both to the Fingoes and to the municipality, and be the means of obviating, for the future, the uncertainty of the tenure by which the natives have occupied lands in the immediate neighbourhood of our towns.

I have written to the resident magistrate of Uitenhage to remind him, that a report is required of the existence of any past or present grievance on the part of the Uitenhage Fingoes, and I hope, at no distant date, personally to inspect their condition, when making a tour through the eastern province, which has hitherto been postponed by reason of the unsettled state of our relations with the Kafir tribes.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant-Governor, Eastern Districts.

Graham's Town, 21st May, 1847.

His Honour the Lieutenant-Governor,  
Graham's Town.

SIR,—I have attentively perused the voluminous documents which Your Honour placed in my hands yesterday for report, generally upon the complain preferred by the Rev. William Elliott against the municipality of Uitenhage for oppressive conduct exercised by the municipality towards the Fingoes and other native foreigners in the immediate vicinity of the village.

Without a full and minute enquiry into the several charges set forth by Mr. Elliott, it would be difficult to report satisfactorily as to the real facts of the case; and the difficulty is enhanced on my part, from my brief occupation of office, having only been appointed to succeed the late civil commissioner about the latter end of last year. It would not, however, appear that the colonial government authorised the location of the Fingo and native foreigners on the commonage land of Uitenhage, but, on the contrary, directed them to be placed on the Tsietsiekamma. Some were expressly permitted by the civil commissioner to locate themselves, and others were suffered to settle themselves unmolested, before the formation of a municipality. But the permission so granted would seem to militate against the instructions conveyed to the civil commissioner by the Lieutenant-Governor, on the 31st of August and 27th September, 1837.

At the same time, it should be observed that the Fingoes, doubtless, looked to the permission of sufferance upon which they occupied the land, as emanating from the supreme government, and the error consisted, in the first instance, in permitting them to occupy land not sanctioned by the government; but as this error did not originate, with themselves, it is equitable that such as were actually dispossessed should receive compensation by the assignment of crown lands for their maintenance.

I am not, however, prepared, without reference to data, which I can only obtain at Uitenhage, to state what cases of ejectment, if any, took place.

With reference to those Fingoes who had the permission of the commissioners of this municipality, and to those who neither asked nor received permission to locate themselves, *since* the formation of the municipality, it is clear that they became amenable to the regulations of the municipality, as containing the conditions upon which they were permitted to occupy the lands; and if the Fingoes or native foreigners either encroached upon the commonage land, or improperly diverted the course of the water, in the manner alleged by the commissioners, they, in common with all other residents, became liable to the penalties imposed by law for a contravention of the municipal regulations.

I cannot speak from my own knowledge of any cases of oppression exercised towards these people, previous to my arrival at Uitenhage (15th November, 1846), but I can confidently assure Your Honour that not one single complaint of injustice inflicted on them by the municipality, has been lodged with me since that period, although various other cases in which they were interested have been brought before me from time to time for adjudication; and as they seem to be sensible of their rights, I have no reason to believe that if any injustice had been inflicted on them, they would not have sought the remedy which the law affords.

Their pursuits have been clearly explained by Mr. Elliott, and consist, chiefly, as he states, in the sale of milk and firewood, and many are employed as herds, labourers, or domestic servants. They are inoffensive people, and, I believe, generally deserving of the character which he has given them for good conduct and propriety. I must also bear my testimony to the statement made by Mr. Elliott, of their being superior in their habits to many of the same class in other places within the division, having a better sense of public decency, which they exhibit by being in general better clad, and being further advanced in civilization, many attending divine service and the school established for their instruction.

I have, &c.,

H. TENNANT, Civil Commissioner.

Graham's Town, July 21, 1847.

The Civil Commissioner for Uitenhage.

SIR,—With reference to your letter of the 21st May last, I beg that you will report fully on the complaints which I brought to your notice as having been preferred by the native Fingoes, and others in the vicinity of Uitenhage, of the insecure and vexatious way in which they at present hold their tenure of occupancy of the land on which they have long been located, and that you will ascertain whether the adoption of the enclosed regulations, which I hope to introduce in other parts of the colony, will not be the means of improving their condition in future.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

#### GOVERNMENT NOTICE.

Government Office, Court House, 7th July, 1847.

The following rules and regulations, proposed to be applied to locations of Fingoes or other aboriginal tribes within the eastern districts, are hereby published, for such suggestions of addition or amendment as the respective municipalities may desire to offer to the Lieut.-Governor's consideration.

H. E. F. YOUNG.

#### I.—*Native Locations.*

1. The most suitable unoccupied sites that can be found, within one or two miles of the centre of the town or village will be selected for native locations—for the Fingoes, for the Bechuanas, and for the coloured people speaking the Dutch language, and comprising emancipated slaves, Mozambiques, and Hottentots.
2. The sites selected will be divided into building lots and garden lots, and regular rows or streets will be formed for the houses; and the garden lots will be as conveniently situated with reference to the houses, as the nature of the ground will allow, and the building and garden allotments will be numbered and registered, so as to correspond with a ground plan.

## II.—*Probationary Native Settlers.*

1. Any native, being a married man, who applies to the superintendent, and produces a recommendation from the resident magistrate, a minister of religion, or a commissioner of the municipality, will receive a certificate, signed by a superintendent, signifying that he is admitted a probationary settler; the certificate to state the number of the location which the individual is to occupy. This will be his authority for taking immediate possession.

2. The period of probation is to be two years from the date of the certificate: but in special and peculiar cases, it will be extended to *three* years, when the Lieut.-Governor, on application by memorial, shall see cause for such extended indulgence.

3. Each *probationary settler* to be required to erect during the period of his probation, a substantial cottage, not less than 24 feet by 12 outside, and the walls not less than eight feet high, with a proper roof, covered with thatch or other materials. The building to be divided into two apartments,—one to be used as a kitchen, and the other as a sleeping room; the kitchen to have a fire-place and chimney; the garden lot to be enclosed with a substantial fence.

4. One or more cattle kraals or folds to be erected, of stone, on each of these locations, as soon as circumstances will allow, and under the direction of the superintendent. These cattle kraals to be for the common use of all the probationary settlers or holders of grants, and to be erected and kept in repair by the registered inhabitants of the location. For this purpose, and for effecting general improvements from time to time on their location, in the benefits of which all will participate, the superintendent is to have the right to call upon each registered settler for one day's work in each calendar month, or, at the option of the settler, the average value in money of one day's work, to be expended on these works of common utility and benefit.

## III.—*Legal Grants to approved Native Settlers.*

1. As soon as the conditions of *probation* are complied with in any case, the superintendent to report to the Lieut.-Governor that the individual is entitled to a grant of the building and garden lot, whereupon the Lieut.-Governor will cause the legal grant to be made to the claimant, according to the usual forms in the Land Office of the colony.

2. The titles issued to the respective settlers who have complied with the probationary conditions will, however, contain the following provisos:—1st. That the holder is subject to one day's labour, or its value in money, in aid of work of general utility on the location, when called upon by the proper authority; and 2nd. That the property shall never be sold or transferred to any person of the European race, without the *special sanction* of the Lieut.-Governor. These two conditions are designed to provide against the improvidence which might otherwise cause the whole of the property to pass into the hands of parties not contemplated by the original grant, and thus in a few years defeat the whole measure.

## IV.—*Management and Surveillance.*

1. A head man, with the authority of constable or assistant field-cornet, is to be appointed from amongst the residents of each location. This person is to have charge of the cattle kraal, and be responsible to report to the superintendent any suspicious circumstances connected with the acquisition of cattle by the residents; through him, also, the Government functionaries are at all times to communicate with the people of the location.

2nd. The head man, with such other natives of the location as may be chosen by the settlers themselves, to form the council (*Heemraaden* or *Amapakati*) of the location. By this council all petty affairs, affecting any of the registered settlers, may be decided according to their usual native customs; the head man and council to be held responsible that no immoral or oppressive practice shall be enforced by them, even though the parties willingly submit to it, and although it may have been an old custom of their tribe or nation.

### V.—*The Municipality.*

1. All registered or probationary settlers to have the same rights and privileges, as to grazing their cattle on the town lands, which are enjoyed by the householders; and as soon as any native settler obtains the legal title to his property, he should be required to pay the town rates to the municipality, on a fair assessment, and in like manner as all other householders of the town.

2. The whole of the native locations may be included in a separate ward as a part of the municipality.

3. The commissioners of the municipality, or the resident magistrate, on their representation, is empowered to prevent the erection of *native huts* on any private property within the limits of the town. All natives living on private property, whether employed by the proprietor or not, to live in cottages of a decent and suitable character.

4. No natives, of whatever age or sex, are to be permitted to wander about in any part of the municipality in a state of nudity, or so partially clad in native costume, as to offend against decency; and the resident magistrate is authorized and required to punish, by fine or otherwise, all persons found by the constables within the municipality offending against this regulation. In the case of children, the parents to be held responsible; and where natives are found without sufficient clothing for purposes of decency, and are in the service of Europeans, their employers are to be dealt with according to law.

### VI.—*Unregistered Natives.*

1. All natives, of whatever class, at present squatting on the town lands, and who cannot produce a proper certificate, recommending them to be registered as probationary settlers, and who consequently remain *unregistered*, should be warned by the superintendent to leave their respective huts, one month being allowed in each case for the individual to obtain employment with some farmer, or other inhabitant, who will provide a residence for him on his own premises.

2. All probationary settlers, who fail to comply with the conditions of occupancy within two years, or three years, as the case may be, should also be warned off the town lands by the superintendent from time to time, as occasion may require, one month being allowed to them to procure themselves suitable occupation and lodging elsewhere.

### VII.—*Superintendents.*

1. The present Government Interpreter, Mr. George Cyrus, who is well acquainted with the native languages and customs, and has a personal knowledge of the native population now squatting within the limits of the municipality, will be appointed as superintendent of the native locations in Graham's Town, with an addition of £50 a year to his present salary, so as to put him on a level with the interpreters to the commissioners, recently appointed in Kafirland.

2. The superintendent should be required to keep a copy of the register of all locations, with an exact *register* of all natives admitted by him as probationary settlers, specifying their names, tribes, nations, age, number in family, and nature and number of live-stock at the time of registration, with the name of the individual who signed the certificate of recommendation on which the native was admitted in the register as a probationary settler.

3. The superintendent will also be required to furnish periodical reports to the Lieut.-Governor of the progress of every probationary settler in complying with the regulations; and generally on all subjects connected with these native locations, he is to be the medium of communication by all Government functionaries to the head man and people of the several locations.

H. E. F. YOUNG, Lieutenant-Governor.

Graham's Town, June 4, 1847.



Court House, Graham's Town, 4th September, 1847.

His Excellency the Right Honourable the Governor,

&c. &c. &c.

SIR,—With reference to my letter to Your Excellency, dated 26th May last on the subject of the representations of the Rev. Mr. Elliott, of ill-treatment of the Fingoes and other natives in the neighbourhood of Uitenhage, by the municipality of that town,—I have now the honour of forwarding letters from Mr. Tennant, the resident magistrate; the Rev. Mr. Patterson, of the London Missionary Society; Mr. Brunett, clerk of the peace; and Mr. Dobson, town clerk; dated respectively the 7th, 26th, and 27th August; and the 1st instant.

From these documents, Your Excellency will no doubt derive further confirmation of the impressions which you received from a perusal of the papers collected in Cape Town, and forwarded to me with Your Excellency's letter of the 1st May last, viz. :—"That every fitting consideration has been shown towards the native classes, consistently with the general interests and public good of the town of Uitenhage."

As regards the future, Mr. Tennant and the Rev. Mr. Patterson are of opinion that the regulations for the locations of natives, within the eastern districts, published by me in the local *Gazette*, on the 7th July last, as intended hereafter to be applied to such locations, will be productive of security and advantage to all parties.

I have, &c.,

H. E. F. YOUNG.

Uitenhage, 26th August, 1847.

H. TENNANT, Esq.,

Civil Commissioner, Uitenhage.

SIR,—In reply to your letter of the 27th July last, respecting a memorial from the Rev. Wm. Elliott, to His Excellency Sir P. Maitland, complaining of the oppressive conduct exercised by the municipality of Uitenhage, towards the Fingoes and other native foreigners in the immediate vicinity of this village, I beg to state that although being almost an entire stranger, only lately come to reside here, I cannot from personal knowledge, venture either to corroborate or disprove the charges alluded to; yet, from all I have been able to learn, after careful inquiry of others, as well as from my own observation, I feel no hesitation in giving it as my opinion, that the statements put forth by Mr. Elliott, as represented in your letter, are substantially correct,—that the individuals alluded to have been unjustly and harshly oppressed, and have therefore had but too much reason to complain.

The Fingoes and Basutus, who, I believe, are the principal parties concerned in these acts of oppression, are admitted by all who have any knowledge of them to be a quiet, industrious, sober, and well-behaved people; who, whatever may have been the ostensible reason for their ejection from the lands they formerly occupied, have since been obliged to settle on grounds where they have no water available for the purposes of cultivation, and from which, I imagine, they are liable again to be ejected on the first slight pretence which may present itself.

With these exceptions, however, I am not aware of any particular acts of oppression to which they have been since subjected, or of which they have now to complain.

I feel happy in being able to state that I highly approve of His Honour the Lieutenant-Governor's plan for locating persons of colour, as published in the *Graham's Town Journal* of 17th July, and I cannot but express my conviction, that if the proposed regulations be carried out, as I hope they will, in the same liberal spirit in which they seem to have been framed, it will be at once the means



of remedying the evils already complained of, and improving, in future, the condition of the natives, while at the same time, it will afford every reason for thankfulness, not only to themselves, but to all who take an interest in their welfare. Nevertheless, I very much fear, that if the arrangements alluded to are made liable to be modified, to any extent, by the municipal commissioners, or their agents, they will be altogether vitiated, and thus, in the end, prove a complete failure, so far as advancing the interests of the coloured population is concerned.

I have, &c.,

THOS. PATTERSON.

Office of the Clerk of the Peace, Uitenhage,  
7th August, 1847.

To H. TENNANT, Esq.,  
Civil Commissioner, Uitenhage.

SIR,—I have the honour to acknowledge the receipt of your letter of the 27th July, enclosing the copy of a memorial addressed by the Rev. William Elliott to Sir Peregrine Maitland, complaining of the oppressive conduct exercised by the municipality of Uitenhage towards the Fingoes and other native foreigners, in the vicinity of this village; and agreeably to your request, that I should communicate to you, for the information of His Honour the Lieutenant-Governor, in as much detail as practicable, how far the grievances represented by Mr. Elliott were found on inquiry to exist, and how far they are still existing, so far as they have come under my official observance and cognizance,—in reply I beg leave to state that the municipality of Uitenhage was established about the middle of the year 1841, at which time there were many Bechuanas, Basutus, and other coloured persons living on the town lands, on which they had from time to time established themselves, without having any particular locations assigned to them, or meeting with any obstruction on the part of the Government authorities; they were likewise the proprietors or holders of large herds of cattle and goats, which they depastured on the town lands. When the municipal regulations were first framed, the number and description of cattle, horses, &c., permitted to be kept by each owner or hirer of lands, were limited in proportion to the capabilities and extent of the pasturage; and in making this provision, no arrangement was made for similar purposes on behalf of the coloured and poorer classes, who, it was assumed, would enjoy this right through the sanction, or under the names, of their employers. In commencing the enforcement of the regulations, it was found that the scattered and indiscriminate manner in which the various locations in which coloured persons consisting of one or more families had fixed themselves, along the main water channel, and other parts of the town lands, according as choice or circumstances had induced the selection of a spot for the building of huts, rendered the concentration of these buildings or residences indispensable, as the inhabitants complained of the scarcity of grass from an excess of cattle, and the irregularity in the supply and distribution of water, which was often diverted from the main channel, for the irrigation of gardens enclosed and cultivated by these people. Two portions of land were therefore fixed upon, for the future establishment and residence of such persons, who were also restricted to the keeping of a limited number of cattle, as it was alleged that the number kept were not only the property of resident individuals, but were many of them belonging to non-residents, who sent them for the benefit of a change of pasturage. The introduction of these measures amongst a race of people, who, although living in and around the town, had never been controlled by local regulations, created discontent, and many, preferring the enjoyment of an unrestricted life, quitted the place. About this time, representations were made to the Lieutenant-Governor, who issued instructions, to the effect that the regulations were not to be enforced

against such natives as had been permitted to locate themselves previous to the establishment of the municipality; but difficulties arose in carrying out the regulations, and disagreements occurred between the coloured people and the municipal authorities, arising more frequently from the vexatious interference of one of their late officers, than from any defect in the local rules. The acts of this officer were, however, always repudiated by the commissioners, collectively and individually. During the differences which had thus taken place, a long correspondence, I believe, passed between the Rev. Mr. Elliott, the municipal commissioners, and the Government, pending which, at the request of the late civil commissioner, I devoted much time in endeavouring to arrange matters between Mr. Elliott and the board, and for that purpose I framed a plan for conveniently locating the coloured and poorer classes of all denominations on two of the most convenient locations near the town, selecting for that purpose the places on which the greatest number of such individuals had settled, and proposing that each should pay for his plot, and the privilege of pasturage, a trifling ground rent, to be expended by the public in subdividing the land and marking out streets, and making drains for securing to each renter his regular and equal supply of water. The plan proposed, contemplated the erection of huts in rows, and at equal distances, so as to secure a due supply of water. The plan which I submitted to the commissioners (in whose office it is not at present to be found) was approved of both by them and by Mr. Elliott. With this view, the 13th section of the municipal regulations was framed, but owing to the refusal of the coloured classes to comply with the proposal above described, and inability of the municipality to enforce their obedience, the measures were not carried out, and no beneficial means for securing to them any advantage in the lands of the municipality have since been adopted. With respect to instances of oppression exercised, I cannot remember more than one, viz.:—the unjust and forcible imprisonment by the town clerk of some Bechuanas, who, having been for some years in the service of a butcher, had, during the period of their engagement, erected huts around his kraal, and on being discharged, were required to yield up their residences to their successors, which they refused to do. Upon their refusing, application was made to the town clerk, who, by way of enforcing his power, arrested and confined them as vagrants. On the circumstance being reported to me, I immediately proceeded to the prison and discharged them. They had, I understood, been imprisoned about half an hour. These people are still residing here. The cases of vexatious interference were those of, repeatedly threatening to burn their huts, refusing them water for irrigation, and even debarring them from the use of such quantities as escaped through leakage from the main channel, towards their locations. I am unable to state the number of persons who removed on account of these proceedings, or whether there were many who did so. I have not for a long time had any references made to me by the municipality, regarding the coloured classes now residing in the town, or received any complaints on their part. I am therefore of opinion that such grievances do not exist at present.

I have, &c.,

GEO. M. BRUNETT,  
Clerk of the Peace.

Town Office, Uitenhage, 27th August, 1847.

To H. TENNANT, Esquire,  
Civil Commissioner, Uitenhage.

SIR,—In answer to your letter of the 27th July, I have the honour to inform you, that I am desired to inform you by the commissioners of this municipality, for the information of His Honour the Lieutenant-Governor, in answer to a memorial from the Rev. Mr. Elliott, especially as you request it to be in as much detail as possible.

Before entering into the merits of Mr. Elliott's memorial, the commissioners beg to call His Honour's attention to the 39th section of ordinance No. 9, 1836, which, to enforce regulations made for the care of the pasture lands, expressly provides "that the commissioners shall not suffer any other person to build upon, enclose, or cultivate the same."

Between the formation of this municipality in 1841 and the year 1843, the then commissioners found there was a large number of the coloured classes, enjoying privileges in common with the landholders of the municipality, without bearing any portion of the expenditure.

The cause which brought this matter to issue was the squatting of several families of Fingoes along the main water channel, and turning the water from its course to irrigate large plots of the town commons, which had been by them enclosed and cultivated. This and other trespasses on the commons showed the commissioners the necessity of framing some law, to place the coloured classes in general under local authority. This was the primary cause of the forming of the 13th and 14th sections of the municipal regulations of this town, a copy of which is annexed.

The commissioners beg to remark that these regulations were not formed under any idea of oppressing the coloured classes, but for their ultimate benefit, and for the improvement of the town, as likewise from a principle of justice to the inhabitants generally; and, feeling it was their bounden duty to protect the rights of the inhabitants; as likewise, considering that all classes, whether black or white, were bound each to bear, in proportion, a moiety of that expenditure which is required to keep the whole of the water channels of the town in such a state that the public in general could have the benefit of the water with which the town is supplied.

In answer to the charge in Mr. Elliott's memorial, that of the imprisonment of the four Basutus, that, the commissioners totally deny as an act of the board, and the gentlemen who at that time formed the board of commissioners are prepared to state that it was an act of the town clerk, done entirely on his own authority, without the sanction of the board, and contrary to law.

The commissioners are not aware of any who were compelled to abandon their houses and growing crops; as in instances where they have squatted themselves, and enclosed portions of the public streets, they have invariably been allowed to take off their crops before removal.

With regard to the query how far the grievances complained of—"how far they still exist," the commissioners refer His Honour to the accompanying return of the number of squatters' houses, and the number of cattle depastured by them on the commons.

The accompanying return, allowing five to every Fingo hut, will give a population total of about 700 of the coloured classes living on the commons, free of rent, and at present under no restraint, as far as municipal laws are concerned.

His Honour will observe by the accompanying return, that there are a number who have been located by the municipality under the regulations referred to, and the commissioners do not hesitate in saying, that had it not been for Mr. Elliott's interference, the greater portion of the coloured population here would have been located under those regulations, and have felt themselves perfectly satisfied; in proof of which, there are daily applications made for ground; but the commissioners feel delicate in giving out any more until His Honour's decision is made, with regard to his proposed regulations for the locating of the coloured classes.

The commissioners further beg to observe that many of the squatters at present on the town commons do not belong to the poorer classes mentioned in the 13th section of the municipal regulations; some of them have wagons and oxen, by which they earn an independent livelihood, and possessed of sufficient property to bear a fair proportion of the town's expenditure.

In conclusion, the commissioners beg to remark that the system of squatting

has had a demoralizing effect upon the coloured population, inasmuch as from the facilities afforded to all the coloured classes to squat themselves on the town commons, make use of the public water, live free of rent or municipal taxation, they have had no inducements for industry, and the plot of ground cultivated by them has not been for the purpose of bettering their condition, but merely as giving them the opportunity of idling a few days occasionally at home, or having a few shillings extra to spend at the canteens.

I have, &c.,

EDW. DOBSON, Town Clerk.

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*Copy of 13th and 14th Sections of the Municipal Regulations for the Town of Uitenhage.*

Section 13.—It shall be lawful for the commissioners to select two or more portions of land on the town commonage for the location of the poorer classes residing within the municipality (and not being proprietors of land). The portions selected shall be subdivided into plots of one sixteenth of an erf, with one or more frontages. These plots shall be selected with regard to their convenience, in respect not only to their present locations, but also as to distance from the town, together with the privileges of irrigation. The locations thus fixed upon shall be considered the only places where straw or mud huts shall be erected. These plots of ground, with a due proportion of water, will be let to persons employed within the municipality as daily labourers, servants, or otherwise, at a monthly rent of 1s., to be paid to the commissioners in advance. The renters of the plots will be entitled to keep 3 head of cattle, or 10 sheep or goats, upon the town commonage. These persons shall enjoy all the privileges, and be subject to all the restraints, under the municipal regulations (except No. 16).

Section 14.—All straw and mud huts (pondocks) already erected, and such as may hereafter be erected (unless the same is on ground pointed out by the commissioners), shall be destroyed within one month after notice to that effect shall have been given by the commissioners under a penalty of 5s. for each week the same shall be permitted to stand after the expiration of the time fixed for its removal by the commissioners.

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## Return of the Coloured Classes residing on the Town Commons, within the limits of the Municipality of Uitenhage.

WHERE LIVING.	NAME OF OCCUPANT.	FAMILY.	EMPLOYMENT.	REMARKS.
Eastern bank of Zwartkop's River	Klaas Kewedo .....	Wife and 9 children ..	Cuts firewood .....	Has a wagon and 10 oxen.
	Leah Flackenberg .....	1 child .....	On a visit .....	
	Leah Peters .....	4 children .....	Works in Town .....	Three of the children are in service.
	Gert Hendricks .....	Wife and 3 children ..	None .....	Ready to go to Kabe Gouw's River.
	David January's wife ..	Wife and 1 child .....	Husband works at Mr. Pannel's ..	
	Paaiy Koffy .....	Wife and 2 children ..	Day-labourer ..	
(The above all live in straw huts, have located themselves here without permission, and have no ground under cultivation.)				
Bottom of St. John's-street .....	Jephtha Jacobse .....	Wife and 2 children ..	Day-labourer .....	These persons have small pieces of ground under cultivation.
	Adam Goliath .....	Wife and 6 children ..	Thatch-cutter .....	
	Moos Isaac .....	Wife and 1 child .....	Tailor .....	
	Gert de Boer .....	Wife and 3 children ..	Day-labourer .....	
Back of Cuyler-street .....				States he received permission from a Mr. Stowe to occupy the house, which house was paid for by the Municipality, to get rid of the nuisance of a brick-yard so close to the town.
Van der Riet-street .....	September .....	.....	.....	These persons have been located by the Municipality under the 13th section of the regulations, and have occupied the ground rather more than a year; paid one year's rent.
	Hendrik Mart .....	.....	.....	
	August Gatig .....	.....	.....	
	Solomon .....	.....	.....	
	Paay Goliath .....	Wife and 6 children ..	Jobbing-labourer .....	
	Johannes Jacobus .....	Wife .....	Daily labourer .....	Piece of ground cultivated, about $\frac{1}{2}$ erf, and piece of the street. States he enclosed the ground under the orders of Mr. Du Toit. Has not paid any rent, or anything for the ground.
	David Ory .....	Wife .....	Daily labourer .....	Has lived here about two years; no permission given to enclose or cultivate, or pay any hire for the ground.
				States Mr. Du Toit gave permission to build a house where there were no bakens. Has been warned several times to remove his house to the locations, in one of which he has a garden, but for which he has not paid any rent.
	September .....	.....	.....	Located by the Municipality in 1847.
	Arend Vanceren .....	.....	.....	These people were located by the Municipality soon after the passing of the regulations for locating them, but the majority have not at present paid anything for the ground.
	Robt. Cawe .....	.....	.....	
	Robt. Cawe, junior .....	.....	.....	
	Davie Makombie .....	.....	.....	



Kaba.....	Adam Kok .....	.....	Painter .....	Piece of ground cultivated. No permission given, or has there been any rent paid.
	Hans Brower .....	Wife and children ...	Agriculturist and carrier }	States he received permission from Mr. Du Toit. Has lived here some number of years.
	Jacobus Pretorius .....	Wife .....	.....	Located by Municipality : owes two years' rent.
	Isaac Maart, junior ...	.....	.....	Located by Municipality : has lived here about four years, and paid £1 for rent.
	Jephta Frantz .....	Wife .....	.....	Located by Municipality in 1847 : paid one year's rent, and enclosed twice the quantity of ground allotted to him.
	Byrnace .....	Wife and 2 children ..	.....	Says he received the ground from Government.
	Louis Johannes .....	.....	.....	Located by Municipality : paid no rent.
	Manella .....	Wife and some children	None .....	Located by Municipality : lived here about three years.
	Jan Tuance .....	Wife and 2 children ..	Daily labourer .....	Absent from home.
	Arend Bouka .....	Wife and 3 children ...	Labourer .....	States the ground was hired by his son-in-law : has paid [no rent.
	Geonard Michells .....	Wife and 2 children ...	Labourer .....	Absent to Graham's Town.
	Booy Printz .....	Wife and 3 children ...	Labourer .....	Located by Municipality : been here about 3 years, and has paid 7s.
	Adonis Witbooy .....	Wife .....	Labourer .....	He has lived here about a year : received no permission.
	Stoffel Neuwegelat ...	.....	.....	Received no permission : building a house.
	Aurey Janze .....	Wife and 3 children ...	Labourer .....	Received no permission : lived here about a year.
	Thomas Lando .....	.....	Wood-cutter .....	States permission given by Mr. Van der Riet, and a request made for the piece of ground ; has lived here about eight or nine years.
	Caroles Antony .....	Wife and child .....	Labourer .....	Lived here about six years.
	Andries Majoor .....	.....	.....	Lived here about a year.
	Steurman .....	Wife and 2 children ...	Labourer .....	Commenced building a house : no permission given.
	Hendk. Isaac .....	Wife .....	.....	States he bought the house of one Safer, and paid him [£1 for it.
	Johannes Scheepers ...	Wife and 6 children ...	Labourer .....	Absent.
	Africa .....	Wife .....	Labourer .....	Lived here about a year : received no permission.
	Jack Floris .....	Wife .....	.....	Absent.
	Catherina Launat ...	Wife and 3 children .	Labourer .....	Lived here a short time, no permission given.
	David .....	.....	Labourer .....	Lived here a short time, no permission given.
	Willem September ...	Wife .....	.....	Commenced building a house : no permission given.
	Hans Zealand .....	Wife .....	.....	States he bought the house of one Safer, and paid him [£1 for it.
	William Alexander ...	Wife and 12 children ..	Labourer .....	Absent.
	Piet .....	.....	Labourer .....	Lived here about a year : received no permission.
	Antonie .....	.....	.....	Absent.

End of Caledon-street .....

A clump of butts, inhabited by seven families of Fingoes, and containing a population of 40 inhabitants, possessed of a considerable number of cattle, 19 only of which are now depastured on the commons, the remainder having been sent away for a change of grass during the winter season. They have likewise a clump of goats ; they have a large piece of ground under cultivation, upwards of an erf ; and are a considerable annoyance to the inhabitants of Caledon and Cuyler-streets from their appropriating the whole of

## Return of the Coloured Classes, &amp;c.—(Continued).

WHERE LIVING.	NAME OF OCCUPANT.	FAMILY.	EMPLOYMENT.	REMARKS.
End of Caledon-street ( <i>cont.</i> ) ...				the water to their own use, almost every night during the summer season. These people do not come strictly under the denomination of labourers, as they subsist from their cattle, and the ground they cultivate, and their women carrying wood. One of the oldest inhabitants of this location, of the name of Mator, states that he pays every year at the kantoort, <i>i.e.</i> , public offices, for the ground they cultivate.
On old road leading to Sand } Fontyn ..... }	A clump of seven huts, inhabited by different families of Fingoes, having cattle, but no ground under cultivation; refused to give any account of themselves, and wish to know what right the town clerk had to question them as to whom they were.			
Back of the Burial Ground .....	Here are seventeen huts and houses, inhabited by Fingoes, a portion of whom were located here by the Municipality, at the particular request of the Rev. Mr. Elliott; the number of squatters has considerably increased on this location since the permission was given by the Municipality, as some of the present squatters have received their permission from the missionary here; or such is their own statement. They have three wagons and oxen, about 10 head of cattle, and some goats, and have several plots of ground under cultivation, some of which are large. It was distinctly understood by the Rev. Mr. Elliott, when these people were allowed to settle on this spot, they were not to enclose any part of the commons; and more than one application was made to the Rev. Mr. Elliott on the subject, but which has hitherto had no effect. These people are, some of them, day-labourers in the town, but live mostly from the ground they cultivate, and merely work a few days occasionally, to provide the means of subsistence, while their own crops are growing.			
Back of the hill at the entrance of } the town ..... }	Twelve Fingo huts: the occupiers of these huts are mostly employed as herders to the butchers here, and one is the pound herder; they have a few small pieces of ground enclosed, and a few goats.			
Reserve farm of Captain Elliott ..	Here are a total of 45 houses and huts, inhabited mostly by Fingoes, having 2 wagons and oxen, about 80 head of cattle, and having about six even of ground enclosed and cultivated; a few of them are labourers, but the men are mostly supported by the women, who carry wood and bring milk to the town for sale.			
Heugh & Co.'s wool-house .....	Jas Kenies and Janje,—two Fingoes, having each a wagon and oxen and about 14 head of cattle.			
Opposite Mr Herman's property on } west side of the Zwartkop's River }	Here are eleven huts and houses inhabited by Fingoes, the most of whom have cattle and goats; some of the men have been employed as herders for the inhabitants, who are in the habit of keeping slaughter sheep or goats for their own use.			
Along the proposed site of street leading to the Cannon Hill	Jan Dolf ..... Wife and 2 children ... Absolom ..... Lys ..... Absolom ..... Windvogel ..... Goliath Keurds ..... Mitige Russouw ..... Jan Bruintjes ..... Windvogel Hammoed .. Jas van Wenderter ....	Day-labourer ..... Constable Fingo Interpreter Butcher's labourer Labourer ..... Carries wood and washes Labourer ..... Wood-cutter ..... .....	Lived here more than a year. Lived here about a year.	

The above all located here without any permission.

H. TENNANT, Civil Commissioner.

Civil Commissioner's Office, Uitenhage,  
1st September, 1847.

J. C. CHASE, Esquire, Secretary

to His Honour the Lieutenant-Governor, Graham's Town.

SIR,—I have the honour to acknowledge the receipt of His Honour's letter of the 21st July last, requesting me to report fully on the complaints preferred by the native Fingoes and others, in the vicinity of Uitenhage, of the insecure and vexatious way in which they at present hold their tenure of occupancy of the land on which they have long been located.

In my letter to His Honour of the 21st May last, I commented briefly on the voluminous documents relating to these complaints. I shall now proceed to state, in as much detail as may be practicable, how far the grievances, represented by the Rev. Mr. Elliott in his memorial to Sir Peregrine Maitland of the 15th July, 1845, were found on inquiry to exist; how far they are still existing; and what is the actual condition of the Fingoes in question, and of the other natives who are said to have partaken of the same hardships.

In replying to Mr. Elliott's statement, it becomes necessary to show under what authority the Fingoes were originally located; and, by reference to the correspondence that has passed on the subject of these complaints, to set forth the grievances of the inhabitants, and the complaints that had been lodged, on their part, against the Fingoes and other native inhabitants.

It would not appear that these persons were, in the first instance, allowed by the local authorities to locate themselves on the lands in the neighbourhood of the town of Uitenhage. His Honour the Lieutenant-Governor, in his letter of the 31st August, 1837, directed the civil commissioner to place the Fingoes in the Tsietsikamma; and, in his letter of the 27th September, 1837, to the same officer, enjoins him not to permit the establishment of kraals or congregations of Fingoes any where upon Government land, except in accordance with his letter of the 31st August.

By the civil commissioner's letter of the 16th February, 1846, addressed to Mr. John Bird, who was appointed on the 4th December, 1845, to report upon the nature of the occupation, by the coloured classes, of the town commonage of Uitenhage, it appears that those who settled "were considered to be there on mere sufferance during good behaviour, and under the surveillance of the field-cornet of the town." His Honour, however, in his letter to the civil commissioner of the 20th May, 1841, directed that, having been so located, they should not be removed.

The Secretary to Government, in his letter to Mr. Elliott of the 15th November, 1844, states that those Fingoes who had been permitted by the Government to locate on the commonage land, before it became vested in the municipality, ought not to be removed, and that they ought not to have any fresh conditions imposed upon their locations, because, as the municipality received the land with the Fingoes upon it, they had no right to disturb them; but that, with respect to those who have located since the land was transferred to the municipality, the municipality had the power to impose the conditions upon which they permitted them to occupy the land.

It appears, therefore, that though the location of these persons on the town commonage has been merely permissive, it has been to some extent recognised, and that they have been so located,—some, either with the express permission, or otherwise, with the knowledge and consent, of the civil commissioner of the district, previous to the establishment of the municipality, and others, since the establishment of the same, by permission of the commissioners thereof. Some have neither asked nor received permission to locate themselves since that period, and have been suffered to remain unmolested.

The property in the town land is, by the 45th section of the Ordinance No. 9, of 1836, vested in the commissioners of the municipality, and the 13th and 14th sections of the municipal regulations, approved of by Government, and

published on the 5th June, 1841, provide for the location of the poorer classes, and point out the places where straw or mud huts shall be erected.

With reference to the charge of attempts having been frequently made to eject the native tribes from these locations, I find, by a letter written by the town clerk to Mr. Elliott on the 6th July, 1843,—“that in consequence of the Fingoes doing much damage to the public watercourse, as also enclosing large tracts of the town lands,” he was requested to explain to them that they must confine themselves to the Kaba, and that he was informed that all Fingoes who did not move to that place in a month, would be compelled to do so, and that each family would only be allowed to depasture five head of cattle on the town lands.

On the 31st October, 1844, the commissioners apprised Mr. Elliott of their intention of proceeding to the Kaba, “for the purpose of giving notice to all the Fingoes residing there that they must pay their rent, and take possession of the lots of ground marked out for them,”—and they further informed Mr. Elliott of their intention “to serve notice to quit, on all persons at the Kaba, who will not pay their rent and take possession of their own lots of ground.”

By a letter from the municipal commissioners to Mr. Elliott, under date the 15th January, 1845, it appears that the Fingoes had enclosed a large tract of the town commonage; and he was requested to inform them that, unless they forthwith threw open the ground thus enclosed, the commissioners would take steps towards their removal.

The commissioners, in their reply to the charge preferred by Mr. Elliott, state, “We have never exerted ourselves to put our laws in force against them; they have been permitted, notwithstanding the repeated remonstrances of the inhabitants of the town, to keep large herds of cattle, and no attempt has been made to drive them away from the place; but we have hitherto in vain attempted to hinder the enclosure of the town commons by these persons, of whom the rev. gentleman speaks so highly; and, notwithstanding the assurances that he has frequently given to us, that those people should not enclose ground, they have enclosed large tracts of the commons, and cultivated them. This is what we desire to prevent, and also to prevent any new locations being formed.”

It seems that so far back as August, 1842, the commissioners represented to the civil commissioner that frequent complaints had been made to them of the irregular location of the Fingoes, and other coloured inhabitants on the town lands of the municipality,—on which they were also in the habit of trespassing with large numbers of cattle; and, by the letter addressed by the wardmasters to the commissioners, on the 2nd October, 1843, it appears that complaints were constantly lodged with the commissioners against Fingoes who took up their residence on the main watercourse, and whose cattle polluted the water.

The letter addressed to the wardmasters on the 30th November, 1843, is signed by 35 persons, all respectable residents in this town, and complains of a number of Hottentots, Fingoes, and other coloured persons having taken possession of, and occupied, part of the town commonage, to their detriment, by diverting the course of the water allotted to their use, and, in consequence of the great number of cattle and goats they possess, consuming the herbage of the commonage.

The Attorney-General, in his letter of the 5th January, 1844, addressed to the town clerk, expresses his opinion that the inhabitants were actuated by honourable and proper feelings, for they declare, in the letter to which I have just alluded, that, in making this complaint, “they had no wish to turn the coloured classes entirely away from the town commonage, but merely that they should be placed under the same municipal laws which are established in respect of themselves.”

Mr. Elliott in his letter of the 12th February, 1844, addressed to the municipal commissioners, fully concurs in this opinion, namely,—“that the coloured classes should be rendered liable to those local taxes, the payment of which gives a legitimate claim to the protection of Government, and he has no wish to see any class of society exempted from a share of the public burden.”

Upon a reference made to the late civil commissioner on this subject, he reported, after due enquiry into the matter, in his letter addressed to the Hon. the Secretary to Government on the 8th September, 1845, that the municipal commissioners were not opposed to the Fingoes and Mantatees, or any others of the coloured classes, having as many cattle as the resident householders are permitted to keep on the town commonage, provided they pay a small rate monthly for each head of cattle, over and above the number permitted by the 13th section of the municipal regulations,—the commissioners conceiving that it would be unjust to give those people the privilege of keeping as many head of cattle as they pleased, whilst the resident householder is restricted to the number mentioned in the 16th article of the municipal regulations, namely 24 oxen, cows, or horses, and 50 sheep or goats. From communication it would seem that the complaints lodged by the inhabitants were not unfounded, and that the banks of the watercourse had been injured by the cattle possessed by these people,—the water diverted from its course and polluted, to the annoyance of the inhabitants.

It disavows any wish to oppress the coloured classes, but expresses a desire to make them sensible of becoming amenable to the municipal regulations.

Mr. Pannell, one of the municipal commissioners, in his letter addressed to the Secretary to Government, under date the 13th January, 1846, disavows also, on the part of the commissioners, any wish to oppress them. From that communication it would seem to be the object of commissioners to see these people properly and comfortably located, but that, at the same time, they should pay for all head of cattle allowed to be kept and depastured, over and above the number permitted by the municipal regulations.

The allegation preferred, that they would be ejected if they did not pay the sum of 1s. per month, in conformity with the 13th section of the municipal regulations, is refuted by the commissioners in Mr. Pannell's letter of the 1st November, 1844, addressed to the Secretary to Government. That sum was required to be paid for an allotment of 150 feet in length by 75 in breadth,—on which each family was allowed to erect a hut and kraal, with the privilege of water.

The complaints made by the inhabitants that the coloured classes had encroached on the town lands, to their serious detriment, is reiterated in the memorial addressed to Sir Peregrine Maitland, in the month of August, 1845, and signed by 30 respectable inhabitants of this town.

Upon a minute investigation into the records of the court of the resident magistrate, from 1st January, 1840, to the 31st December, 1846, I do not find that one single action of ejectment was instituted before that officer, against the occupiers of these locations, at the suit of the municipality. Eleven of these people were, during that period, summoned for rent of the plots of ground they occupied, and payment of water tax under the municipal regulations. Of these 11 cases, one was withdrawn, leaving 10 cases during a period of 7 years, brought against them by the municipal commissioners for non-payment of rent and taxes.

The criminal record for the same period shows that ten cases were brought against them before that court:—five for diverting the course of the water and polluting the same, of which three were withdrawn by the commissioners; and five for rescuing cattle when sent to the pound, of which two were withdrawn,—leaving only five cases adjudicated upon, in a period of seven years, for a contravention of the municipal regulations. But I have not been able to discover, on reference to these records, that, on the 1st November, 1844, a case came on before the resident magistrate, in which he confirmed the notice given by the commissioners to the Fingoes to quit the occupation of their premises, as stated by Mr. Elliott in his communication to the Honourable the Secretary to Government, under date the 1st November, 1844.

Mr. Surveyor Bird was appointed by Government, as I have already stated, to report upon the nature of the occupation of the town commonage by the coloured classes, and his report is confirmatory of the complaints made by the inhabitants, that the lands were encroached upon, to their manifest detriment.

Mr. Bird's report shows the number of locations occupied by these classes,



the description of the locations, the number of the occupants, and the property possessed by them. According to his report, five thousand morgen would appear to be the available extent of commonage for pasture, which may be considered capable of maintaining 800 head of cattle.

Allowing for the sheep and goats belonging to the town, and the cattle of travellers, the commonage affords pasture for from 500 to 600 head of cattle throughout the year.

The census taken by Mr. Bird allows that 461 head of cattle and 398 goats, belonging to the native foreigners and coloured classes, are depastured on the municipal grounds. The pasturage is stated to be, in consequence, consumed, and the inhabitants paying the municipal rates are obliged, as they allege, to send their cattle elsewhere.

From Mr. Bird's report it seems clear that the municipality of Uitenhage are not in possession of a larger tract of land than is necessary for the objects of their incorporation. No land has been assigned that is not required to ensure the good order and cleanliness of the place, or the health, comfort, and security of the inhabitants. The town lands have been restricted within these limits, and the law has defined the extent, in the first section of the regulations.

Mr. Elliott further states, that the nature of the interference complained of is illustrated by the following case,—“In October, 1843, four Basutos, of irreproachable character, well known industry, and prosperous circumstances, were cast into prison by the clerk of the commissioners, on an absurd charge of vagrancy, in accommodation to a friend to whom the location of these persons was a desideratum.”

The clerk's reply to this allegation is appended to Mr. Elliott's memorial, and is in the following terms :—

“This is untrue. I accompanied a justice of the peace to turn away a number of Hottentots and others who had cut open the main watercourse, and it was by his order they were all sent to prison as vagrants: they either could not or would not tell how they got a living.—W. L. HIGGINSON, Town Clerk.”

“The prisoners were discharged on the clerk of the peace finding no ground of prosecution. These persons were never further interfered with. Upon Mr. Elliott's word that they were good people, they were immediately set free; they were not half an hour in prison.—W. L. HIGGINSON, Town Clerk.

“22d August, 1845.”

Upon reference to the municipal commissioners, they declare this to have been the unauthorised procedure of the town clerk.

The conclusion to which this statement leads, is :—

1st. That the Fingoes and other native foreigners alluded to, were not expressly authorised by the local government to be located on the town commonage, but in the Tsietsikamma, and that they were permitted, or tacitly suffered, to settle themselves, by the local authorities.

2d. That the municipal commissioners required all the Fingoes to pay rent for the plots occupied by them; whereas it was not the intention of Government that such as had been located before the establishment of the municipality should have any fresh burden imposed upon them.

3d. That, in the course of seven years, ten natives were sentenced by the local court, at the suit of the municipality, to pay rent and water tax; but I have not been able to discover that these parties had been located before the establishment of the municipality.

4th. That the principal charges preferred by the inhabitants against these people were, that they enclosed part of the town commonage, contrary to the 39th section of the ordinance No. 9, of 1836, which section provides for the care of the pasture lands of the municipality,—kept and depastured on the commonage a greater number of cattle than they were authorised by the municipal regulations, thereby preventing the resident householders from participating in the pasture to an equal extent,—diverted the water, and polluted the same.

5th. That, in two cases the latter charge was substantiated in the local court, and that the former charges are substantially confirmed by Mr. Bird.

6th. That though threats were held out to remove them, no action of ejectment was ever instituted against any of the parties.

7th. That one act of illegal restraint, the imprisonment, upon a charge of vagrancy, of four Basutos, is admitted to have been exercised,—but this appears to have been the act of the town clerk, unauthorised by the commissioners.

Having called upon the Rev. Mr. Patterson, Mr. Elliott's successor, for all the information which he might be able to give upon the subject of the complaints preferred by Mr. Elliott against the municipal commissioners, I find, from his reply, of which I annex a copy, that though he cannot, from personal knowledge, corroborate or disprove the charges alluded to, yet from the inquiries he has made, he states that he considers them to be substantially correct, and that the Fingoes, and other native foreigners alluded to, have been unjustly and harshly oppressed, having been forced to remove from the lands they formerly occupied, and to settle on ground where they have no water available. Mr. Patterson, however, is not aware of any particular acts of oppression to which they have *since* been subjected, or of which they have *now* to complain.

I have also called upon the clerk of the peace, and upon the present municipal commissioners, those at the time holding office having since vacated it, for such information as they might be enabled to afford upon the subject of these complaints; and their replies I have the honour to annex. They will be found to be, in general, confirmatory of Mr. Bird's report.

As, however, the allegations preferred by Mr. Elliott, and confirmed by Mr. Patterson, are of a general nature, and do not specify the particular instances of cruelty or oppression, except that of false imprisonment, which is repudiated by the municipal commissioners, as their act, I have deemed it my duty to visit all the locations upon which the Fingoes and coloured classes have been located, to satisfy myself, by personal inspection, of their present condition, and by inquiry into the matters alleged, in how far those allegations are borne out by the actual facts of the case.

The descriptions of the locations are, in general, such as have been described in Mr. Bird's report; the majority being of the bee-hive form, constructed of reed and thatch, others of a better description, being built with sod walls, and a few (those occupied by Hottentots and freed slaves) are neatly constructed cottages.

These locations, instead of being concentrated, are scattered over a great part of the town commonage. The occupants have encroached considerably upon the town commonage, and have enclosed large tracts for garden ground and kraals for their cattle, which they occupy, free of rent, except in a few solitary instances.

The population may be estimated as follows, viz.—

Adults, .....	175
Children, .....	207

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382\*

Their property consists of cattle and goats, amounting to about 800, both included.

The locations are principally situated east and west of the Zwartkop's River, and close to the banks of that river. All have not the means of irrigating their grounds, but depend upon the periodical rains. The land is, however, fertile, and many have gardens under cultivation.

At the location occupied by the freed slaves and Hottentots, I find that, in consequence of the encroachments they had made, the town clerk threatened to have the occupants removed, and to burn their cottages, but that the threat was never carried into execution, and that the occupants remained there notwith-

\* This is the population according to Mr. Bird's report; the population has, however, since considerably increased.—See return of the municipal commissioners, annexed.

standing, and are still there, having remained unmolested, ever since Mr. Higginson's removal, which took place in the year 1845.

At the Kaba, which is occupied by Fingoes, Kafirs, and Hottentots, I ascertained that three Kafirs, who had squatted on the banks of the watercourse, had had their reed huts pulled down by orders of the town clerk, and three other reed huts, which had been constructed on the road side, had also been pulled down by his orders. Another hut, of a similar description, is stated to have been pulled down by the town clerk himself, but I could not ascertain its precise situation; and one hut, which was unoccupied at the time, was burnt down by order of the town clerk.

These acts have been described to me by the occupants, and the persons who witnessed them, and cannot, therefore, be denied; but after the disclaimer on the part of the municipal commissioners, I consider them to have been the unauthorised acts of the town clerk. I am disposed to exculpate the municipal commissioners from any participation in these proceedings, and to consider them to have been unsanctioned by the authority of that board.

I consider it injudicious, however, to permit the establishment of any of the coloured classes along the banks of the watercourse. With every wish to promote their advancement and prosperity, still the health and comfort of the inhabitants require also to be regarded. His Honour will be sensible of the force of this observation, when I explain that the channel, or course which conveys the water to the town, is uncovered, and that the inhabitants serve themselves from the open channel as the water flows past their doors.

At this present moment, a few of the coloured classes are located alongside the source of the water, and deriving their supplies in the first instance. It cannot be otherwise but that the water becomes liable to be loaded with impurities, which may be calculated to affect, in some degree, the health of the inhabitants. The corpse of a female Hottentot, in the last stage of the venereal disease, having been recently found by the clerk of the peace in that quarter, I deemed it my duty to bring the matter to the notice of the municipal commissioners, in order that some more appropriate spot might be selected for the location of this small party.

I should add, that by the 42d section of the provisions of the ordinance No. 9, of 1836, the municipal commissioners are authorised to remove and abate all nuisances within the municipality which may tend to injure the health, destroy the comfort, or affect the rights of the inhabitants at large; and, if need be, to proceed at law against any person so committing any such nuisance, for the abatement thereof.

The same section requires them to cause all watercourses, drains, roads, &c., within the municipality, to be kept clean, and free from dirt or rubbish.

Beyond the instances which I have referred to, I have not found, upon inquiry, that the Fingoes were interfered with. The cases alluded to originated, it is stated, with the town clerk, unauthorised by the municipal commissioners.

I coincide with Mr. Elliott and Mr. Patterson as to the harmless and inoffensive character of these people.

Many have been baptised, and they regularly attend divine service, and the school established for their instruction. They derive their livelihood as herdsmen, carriers, or labourers, and from the sale of milk and fuel.

They are, in general, well clad, and exhibit a better appearance than the native tribes who are located in other towns.

They seem perfectly contented, and satisfied with their present condition, and suffer no molestation or interference whatever, enjoying the same degree of liberty and independence as any other of Her Majesty's subjects.

Their concentration, however, in the manner, and under the regulations, proposed by His Honour in the Government notice of the 7th July last, for the future location of the coloured classes, would be eminently calculated to improve their condition.

I have, &c.,

H. TENNANT, Civil Commissioner.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 31st May, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Baronet, G.C.B.

SIR,—Observing in the newspapers an official notice respecting the rationing of labourers to be employed at Cape Agulhas, in the western districts, I conclude that this is an indication of a commencement of the incalculably valuable work of the erection of a light-house at that place; and as it is generally supposed that Her Majesty's government sanctioned, at the same time, the erection of a light-house at Cape Receiffe, in the eastern districts, I am induced to hope that Your Excellency may be enabled to afford me information respecting this latter project, which, both in local and general utility, is not transcended even by the vast importance of the Agulhas light-house.

Moreover, as the Agulhas light-house is, I believe, to be a work locally executed, I apprehend that it will unavoidably engross the time and attention of the department of the Surveyor-General and Colonial Civil Engineer, so as entirely to preclude any simultaneous proceedings in regard to the light-house at Cape Receiffe.

Under this impression I venture to represent to Your Excellency that the most economical, efficient, convenient, and expeditious way would be to procure an iron light-house for Cape Receiffe from England.

Mr. Alexander Gordon, of 22, Hudges street, Whitehall, London, a member of the institute of civil engineers, has been employed with success to procure iron light-houses for various colonies.

I quote from the *Nautical Magazine* of 1846, published by Simpkin and Marshall, through which magazine only I have any knowledge of Mr. Gordon,—that by his means the Jamaica light-house was completely erected and lighted in England, taken to pieces, and packed, and put on board in the Thames, at an expense of £3000; and that some courses of Bramley stone, cut and shipped, to be used as a foundation to prevent the filtration upwards of salt water through the coral rock, to the injury of the iron, cost £300 more.

The light-house at Gibb's Hill, Bermuda, was constructed for the Ordnance department at a cost, including lantern and apparatus, of £6150.

The light-house at Point de Galle, in Ceylon, 93½ feet high, when erected and lighted, cost £2350; and for 25½ feet lower, could have been erected for £1800.

The light-house at Singapore has been estimated for at £3000,—to be 100 feet high, 18 feet diameter at the base, 10 feet at the top, of wrought iron, to be erected and tried in England, and delivered at Singapore, for the said sum of £3000.

I trust that Your Excellency will pardon my intrusion on the foregoing particulars of the iron light-houses of other colonies, since they may serve to direct attention to a method of procuring for the eastern districts, at the earliest date and on the most favourable terms, the long coveted and immense boon of a light-house at Cape Receiffe.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant-Governor.

Fort Peddie, June 2, 1847.

His Honour Sir HENRY E. F. YOUNG, Kt.,  
Lieutenant-Governor, &c.

SIR,—I have the honour to acknowledge the receipt of Your Honour's letter of the 31st of last month, on the subject of light-houses.

I possess no information, however small, on that subject, nor has it been alluded to in any despatch received from the Secretary of State since my arrival in this colony.

I hear, by report, that the Surveyor-General was sent to England last year on duty by my predecessor, and that the object of his mission partly referred to the proposed breakwater in Table Bay, and partly to having light-houses placed on Capes Receife and Agulhas; but what was done on the latter question I have never heard, nor had I seen or been told of the notice to which Your Honour's letter refers, until it came to hand.

I shall now write to Cape Town for explanation, and will let Your Honour know the result; but I cannot, as at present informed, take any public steps in the matter.

I have, &c.,

HENRY POTTINGER.

#### MEMORANDUM.

Colonial Office, Cape Town, 21st June, 1847.

The Right Hon'ble the Governor.

With reference to the letter from His Honour the Lieutenant-Governor of the 31st May last, on the subject of the erection of an iron light-house, at Cape Receife, I beg to submit the following observations.

On the 22nd July, 1844, by despatch No. 70, Sir P. Maitland submitted, for the approval of the Secretary of State, the amount voted by the Legislative Council towards the erection of the proposed light-houses at Cape L'Agulhas and Cape Receife, and requested the sanction of Her Majesty's Government to commence those works.

Lord Stanley, by despatch No. 166, of 31st January, 1846, stated that Her Majesty's Government were of opinion that recourse might, in the erection of those buildings, be advantageously had to the use of iron, instead of masonry; and His Lordship requested a report might be made as to the means which might exist for landing the iron castings in the vicinity of the proposed sites for the buildings. Sir P. Maitland by despatch No. 101, of the 31st July, 1845, transmitted the report of the civil engineer on the subject of landing the iron castings, suggesting at the same time whether iron habitations were desirable in this climate, on account of the intensity of the heat in the summer months. By despatch No. 104, of the 27th June, 1846, Mr. Gladstone informed Sir P. Maitland with reference to the proposed substitution of iron for masonry in the building of the light-houses, that it had been ascertained that, in consequence of the price of iron, and of the expenses of freight, and the difficulties which would attend the landing of the iron work, and erection of the building, no saving of expense would result from the adoption of this material, and he therefore authorised the construction of these buildings in masonwork, and directed specifications and plans of the lanterns to be transmitted to him, that they might be procured and sent out to the colony. During Colonel Mitchell's visit to England last year, he proceeded (as will be seen from the enclosed copy of a letter from him, under date the 20th May, 1847) by direction of Earl Grey, to Paris, to give instructions to Monsieur Le Paute for the preparation of the apparatus for lighting these buildings. The light at L'Agulhas will be a fixed light, and that at Cape Receife revolving, both of the highest power. Colonel Mitchell, on his return to this colony in April last, informed me that the apparatus for the light at L'Agulhas was on a more simple plan than the one proposed for Receife, and that it would consequently take much less time in its construction. He stated that he expected it out here, in about two months from that time, and as the maker of it had represented the expediency of such expensive apparatus being fixed with as little delay as possible after its arrival, or otherwise it might receive damage, Colonel



Mitchell was anxious to get the tower at L'Agulhas ready for its reception, and for these reasons commenced that work immediately. But even if the lights for both these buildings could have been completed at the same time, Colonel Mitchell could only have undertaken one work at a time, as he could not have obtained two sufficiently competent foremen to direct the two buildings. After much difficulty, and at a very considerable expense, he has obtained the services of a foreman builder, and who now is superintending the construction of the light-house at L'Agulhas. Colonel Mitchell hopes that the light-house will be finished in six months' time, and he will then immediately commence that to be erected at Receife, in order that the building may be ready to receive the apparatus for lighting it, as soon as it has arrived from Paris; but he believes it will not be here for some months. The building at Receife will probably also take about six months in its erection.

I take this opportunity of submitting for the Governor's perusal the correspondence which has passed between His Excellency Rear Admiral Dacres and myself respecting the L'Agulhas light-house.

JOHN MONTAGU.

Cape of Good Hope, Eastern Districts.

Graham's Town, 30th July, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—I have the honour of representing to Your Excellency that in one of the papers recently forwarded to me, in connection with the inquiry now in progress into the precise views and objects of the petitioners to the Crown for a separate Government for this province, I have remarked the following statement, respecting the establishment of a municipality at Port Elizabeth, viz.:—"Many months ago the resolutions and other requisite papers were forwarded to the Secretary to Government from this town, in order to obtain a municipality in Port Elizabeth, and a reply was given, that during the absence of the Governor on the frontier, no meeting could take place of the Executive Council, without which no such measure could be introduced in the Legislative Council,—and the contemplated improvements remain therefore adjourned *sine die*."

It is not necessary at present to trouble Your Excellency with the documents from Port Elizabeth from which the foregoing passage is extracted, as it will hereafter accompany the report which Your Excellency's letter of the 23rd June last requires from me in regard to the views of the inhabitants on the future government of the eastern province; but as the establishment of the Port Elizabeth municipality is not necessarily connected with the more general question to be inquired into, I have thought it right to bring that point separately to Your Excellency's notice, in order to its being disposed of as soon as the state of the public business shall enable the Legislative Council to give its attention to the subject.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

#### MEMORANDUM.

5th August, 1847.

I repeat that I cannot understand this letter, or at least the quotation from Port Elizabeth. The Executive Council now meets *twice every week*. What I required was, either a copy of the reply from Cape Town containing the above

quotation, or the date of it, and also of the application. It seems of no use to send a paper to Cape Town which contains a statement that I *know* positively to be erroneous; I mean as to the Executive Council not sitting during my absence on the frontier.

HENRY POTTINGER.

PORT ELIZABETH MUNICIPALITY.—Documents wanted, now sent.

H. E. F. Y.

Port Elizabeth, 4th August, 1847.

To His Honour Sir HENRY E. F. YOUNG,  
Lieutenant-Governor.

SIR,—We have the honour to acknowledge receipt of your letter of the 30th July; and in reply we beg leave to forward herewith a copy of the letter from the Secretary to Government to the resident magistrate of the place, having reference to the establishment of a municipality in Port Elizabeth.

We have, &c.,

W. SMITH,  
W. FLEMING,  
W. M. HARRIES,  
C. ANDREWS,  
JOHN E. BLACK.

Colonial Office, Cape Town, 19th February, 1847.

The Resident Magistrate, Port Elizabeth.

SIR,—I have the honour to acknowledge the receipt of your letter of the 13th instant, enclosing a copy of municipal regulations approved of at a public meeting held at Port Elizabeth on the 8th inst., and with reference thereto, I beg to inform you, that as regulations of this description must be taken into consideration by the Executive Council, and as that body cannot assemble without the presence of the Right Honourable the Governor, it will be necessary to wait until His Excellency shall have returned from the frontier; but as soon as he has, the documents you forwarded will be submitted to him in council.

I have, &c.,

JOHN MONTAGU.

For Cape Town.

7th August, 1847.

I beg that this subject may be referred to the Honourable the Executive Council. I perceive the reply was written a few days after I left Cape Town, when my early return was anticipated, but as that is not likely to take place for some time yet, I know of nothing that should retard the arrangement alluded to in the Lieut.-Governor's letter. If there is any cause, I should be glad to be informed.

HENRY POTTINGER.

The Right Hon'ble the Governor.

We, the members of the Executive Council, have the honour of drawing the Right Hon'ble the Governor's attention to the following remarks, in consequence of His Excellency's reference (dated the 7th instant), endorsed on the enclosure to His Honour the Lieutenant-Governor's letter of the 30th ultimo, respecting the

establishment of a municipality at Port Elizabeth, the consideration of which has been deferred, as appears from the Colonial Secretary's letter of the 19th February on that subject.

By Ordinance No. 9, of 1836, for the creation of municipal boards, it is enacted that "the regulations adopted" at such meeting shall forthwith be transmitted to the Governor of the colony for the time being, for the approval, amendment, or disallowance thereof of the said Governor, *by and with the advice of the Executive Council.*

Since the enactment of the above ordinance in 1839, all municipal regulations have been considered by the Executive Council in the presence of the Governor. Being matters which may at any time be brought into question in courts of law, great circumspection in regard to their formal sanction has been deemed necessary. And as the Executive Council is created by the royal instructions, and must be governed by their language, it has been considered that the Executive Council is, by that instrument, contemplated as meeting and consulting with the Governor in person, in the same manner as the Queen, as we believe, is always present in the Privy Council, when passing orders which require her to act by and with their advice. Section 10.

His Excellency will recollect that, before his departure from Cape Town in February, a number of applications for municipal regulations were considered by him in Council, and disposed of. These had accrued since the month of April, 1846, when Sir P. Maitland went to the frontier, and during his absence they remained in the hands of the Clerk of the Councils, and were not disposed of until His Excellency met the executive body in Council.

Since that time, other applications have been forwarded to the Colonial Office for the establishment of, or alteration of existing regulations in, municipalities (one of which is from the municipal commissioners of this town); and they are at present—in the usual course—in the possession of the Clerk of the Councils, awaiting consideration in the manner required by the ordinance.

If, however, the wants of any municipalities should be pressing, and further inquiry into the law should not remove the difficulty which has always hitherto been apprehended, an ordinance might be introduced, making some temporary provision in regard to municipal regulations.

As advisers to the Governor upon matters not of strictly legal character, the Executive Council can meet at any time and place, and act as advisers upon any subject required of them, although the Governor is not present; for in these cases a substantial compliance with the royal instructions, and not a formal and ultimate adherence, is all that seems to be required.

JOHN MONTAGU.  
HARRY RIVERS.  
WM. PORTER.  
W. FIELD.

#### MEMORANDUM.

Graham's Town, August 19, 1847.

I forward, for the information of His Honour the Lieut.-Governor, the explanation of the Honourable the Executive Council, as to the cause of the delay that has hitherto occurred in taking the application of the inhabitants of Port Elizabeth for a municipality into consideration. As the period of my return to Cape Town is altogether uncertain, and it appears that public inconvenience and delay are likely to occur in this and other instances, from my absence, I intend to propose that a *temporary* ordinance shall be submitted to the Honourable the Legislative Council, authorising such matters to be disposed of without my presence.

HENRY POTTINGER.

Port Elizabeth Municipality.

20th August, 1847.

With memorandum, on which the Honourable the Secretary to Government is requested to take steps.

HENRY POTTINGER.

Colonial Office, 30th August, 1847.

Transmitted to the Honourable the Attorney-General, who will be pleased to prepare a draft ordinance, in accordance with the desire of the Right Honourable the Governor, with as little delay as possible.

By order,

JOHN MONTAGU.

13th September, 1847.

Upon farther consideration of the subject referred to in the memorandum of the Executive Council, I am led to the conclusion that an ordinance is not necessary.

There can be no doubt that the practice has always been as stated by the members; but it strikes me that no legal difficulty will be consequent upon a change.

The Executive Council, under the royal instructions, is a distinct body, of which His Excellency the Governor is not a member. The advisers,—the Council,—are different from the advised,—the Governor. Nor does there appear to be any necessity that the advice must be asked or given face to face, although the phraseology of the royal instructions certainly seems to contemplate that common and convenient mode of consultation.

I think, however, that it rests with the Governor to determine, according to circumstances, *how* he will require the assistance of his Council. If neither absence nor ill-health presents an obstacle, he will probably meet the members in person. But when bed-ridden or distant, he may, I conceive, desire, in writing, to have the advice, in writing, of his Executive Council. And so long as the Right Honourable the Governor shall be detained on the frontier, I respectfully recommend that all municipal regulations be, by him, specially referred for the advice of the Council, which may, in my opinion, embody the advice in a written form.

WILLIAM PORTER.

Colonial Office, Cape Town, 13th October, 1847.

The Secretary to His Honour the Lieutenant-Governor.

SIR,—I have the honour to acknowledge the receipt of your letter of the 20th July last, forwarding a communication from the town clerk at Graaff-Reinet, giving cover to certain amended and additional regulations proposed to be adopted by the municipality of that place; and with reference thereto, I am, by the desire of the Right Honourable the Governor, to acquaint you, for the information of His Honour the Lieutenant-Governor, that the amendments and additions referred to will be proclaimed in to-morrow's Gazette.

I am, however, at the same time to explain to His Honour, through you, that the delay which has occurred in the publication of these and other municipal regulations, and in the consideration of the municipal regulations for Port Elizabeth, enclosed in another letter to you from this office, of this date, has arisen from its having been deemed necessary, in the first instance, that the Governor should be present when applications for such regulations, received here during

His Excellency's absence from Cape Town, are considered and disposed of in the Executive Council; but this impediment has lately been removed in consequence of the Attorney-General having come to the conclusion, in an opinion given by him on the subject, that the members of the Executive Council can consider applications for municipal and market regulations, and advise upon them, without His Excellency's being actually present.

I have, &c.,

JOHN MONTAGU.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 1st July, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—I have the honour of forwarding to Your Excellency a copy of a memorial of Mr. Joseph Cawood, praying for a grant of land on the sea-coast, between the Kowie and Fish Rivers, on the Kleine Mond stream.

This locality may very probably become of importance as a place of shipment; and with reference to the regulations for the sale of crown lands, under date the 15th May, 1844, the land applied for by Mr. Cawood, in addition to being disposed of in freehold and by public auction, ought to be subject to a higher upset price than 2s. per acre.

I would submit to Your Excellency the propriety of employing a competent land-surveyor, on the part of the Government, to survey all Government land having a sea frontage in the neighbourhood, and to lay it out in building lots, with proper reserves for commonage and the sites of public buildings and wharfs, and to report generally on the value of the site. Mr. Cawood might then become a competitor for so many of the allotments as would suit his purposes. Under the impression that the Kleine Mond river is likely to be of public convenience, I hope it may be found possible for the Surveyor-General's department at Cape Town to report on Mr. Cawood's application at an early date. I cannot, however, omit stating that, as far back as the year 1834, ninety or one hundred farms are reported to me to have been surveyed in this district, and to have been occupied since that date without the occupants obtaining their grants, and consequently without the payment to Government of an annual rent of £300 or £400.

The settlers in many other parts of the eastern districts are placed in similar circumstances of insecurity to themselves and of detriment to the public treasury; but at present I have alluded to the Bathurst field-cornetcy, as that in which the land now applied for by Mr. Cawood is situate.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

To His Honour Sir HENRY EDWARD FOX YOUNG, Lieutenant-

Governor of the Eastern Districts of the Cape of Good Hope, &c., &c., &c.

The Memorial of JOSEPH CAWOOD, of Graham's Town,

RESPECTFULLY SHOWETH,

That memorialist being now the contractor, for the fourth year, for the supply of Her Majesty's troops with provisions, &c., ventures to solicit Your Honour's consideration to a request that Your Honour would be pleased to recommend a grant of land to be made to him on the coast between the Kowie and Fish River, and known as the Kleine Mond stream, for the purposes and reasons hereinafter stated.



1. Memorialist, having to obtain large supplies of meal, &c., by sea, from the Cape and other districts, was induced to seek for some convenient place for landing such supplies near Graham's Town, so as to avoid the *great delay and heavy cost for transport* from Port Elizabeth to Graham's Town, and from thence to the various military stations; and believing that a safe landing could be effected near the Kleine Mond as aforesaid, your memorialist had a cargo sent, and which was safely landed,—and by which success in an undertaking of such vital importance to this part of the colony, and particularly at the present time, memorialist is induced to persevere; and other vessels have *already sailed*, and may be hourly expected at the port alluded to.

2. That memorialist was necessarily compelled to go to some considerable outlay,—as well as respects the cost of buoys, warps, &c., as to the erecting store houses,—one having been already built and another in progress, and which has been done on what is termed the free, or Government land, and which runs from the termination of the place known as “Boukies” to the beach,—but, of course, under the present circumstances of having no certain right on the land, such buildings have only been constructed for temporary purposes.

3. That memorialist, in preferring this application for a grant of land, does so with the view of endeavouring to establish a permanent sea-port of that which he has so far succeeded on, and denominated as “Port Jessie;” and trusts the Government will appreciate the very great advantages which will be derivable from the success of such an undertaking, the spot being only about 40 miles from Graham's Town, whereas from Port Elizabeth is nearly 100, and the road in many places rugged and bad,—that from “Port Jessie” being nearly level, and all tolerably good, in addition to which there are no rivers to impede the transit from thence to Graham's Town and many other stations; in addition to which it is near the military dépôt of Cawood's Post and Fort Dacres. Thus by great facility and an immense saving of expense for transport, the Government would reap advantages in the cost of supplies being considerably reduced.

4. That the proposed grant sought for would not interfere with any private rights, there being a public road the whole way down to the beach; nor would it be at all detrimental to the Government, should it at any future period be deemed essential to make it a Government port, there being abundance of land for all such purposes.

Under the foregoing statement, memorialist solicits that Your Honour would be pleased to recommend his being granted two erf's of the land just above high-water mark, on the beach near that stream of the Kleine Mond nearest to the Kowie, for the erection of stores; and also one erf actually on the beach, where high water flows, and on which memorialist would have to incur the expense of raising, so as to build thereon boat houses, &c., requisite for the various purposes at a sea-port.

And your memorialist will ever pray, &c. &c. &c.

JOSEPH CAWOOD.

Graham's Town, 28th June, 1847.

#### MEMORANDUM.

July 3, 1847.

Mr. Cawood applied to me lately for a grant of a mile of the beach, in the position pointed out in the present application, and I beg His Honour the Lieutenant-Governor will be so good as to call on Mr. Cawood to attach to this memorial copies of his former one to me, and of my reply, in order that the whole question may be submitted, as proposed by His Honour, to the Executive Council at Cape Town; without whose advice and opinion I am not prepared to come to a decision on the matter.

HENRY POTTINGER.

To the Right Hon'ble Sir HENRY POTTINGER,  
Her Majesty's High Commissioner,  
&c. &c. &c.

The humble memorial of JOSEPH CAWOOD, provision contractor for the forces,  
RESPECTFULLY SHOWETH,

That memorialist finds it exceedingly difficult to provide transport for supplies, and is of opinion that a landing could be effected on the part of the coast near the Kleine Montjes River, there being a small bay or indentation of the land, preferable to Waterloo Bay as to anchorage and safety.

That considerable expense would attend the procuring surf boats, anchors, warps, and erecting stores, which expense ought not to be incurred by an individual having but ONE year's contract; therefore memorialist humbly prays that a lease be given him for eleven years of one mile of the beach, provided memorialist finds it practicable to carry into effect his object of landing supplies on this spot.

And memorialist, as in duty bound, will ever pray.

Graham's Town, April 13, 1847.

\_\_\_\_\_  
Camp, Fort Peddie, 22nd April, 1847.

Mr. CAWOOD, Provision Contractor, Graham's Town,

SIR,—I am directed by Her Majesty's High Commissioner to acknowledge the receipt of your memorial, dated the 13th instant, and to inform you that, looking to the instructions of Her Majesty's Government, it is not in His Excellency's power to accede to the proposal you make therein.

I remain, &c.,

RICHARD WOOSNAM.

\_\_\_\_\_  
Colonial Office, 17th July, 1847.

Referred to the Surveyor-General for report, as speedily as practicable.

By order,

JOHN MONTAGU.

\_\_\_\_\_  
REPORT.

Surveyor-General's Office, 19th July, 1847.

As I conceive the only point on which the Surveyor-General's opinion (with reference to these papers) is required, is on the "tracing out" allotments for a township, on the spot applied for by Mr. Cawood,—I beg respectfully to observe that an officer of this department will proceed to the frontier in a short time, and I beg to submit that so important a duty as the planning of a town should be left to that officer to execute, when he will be able to fix the amount of "upset price" it will be expedient to put the lots up for public sale.

Should it, however, be necessary to lay out these allotments at once, I beg to request that we be authorised to issue the necessary instructions to a sworn surveyor.

M. R. ROBINSON, A.S.G.

## MEMORANDUM.

24th July, 1847.

I send this reply for the information of His Honour the Lieutenant-Governor, and beg it may be returned. It may be, perhaps, as well for His Honour to apprise Mr. Cawood, and all others concerned, that a surveyor will be sent forthwith to lay out the proposed town, fix upset prices, &c. &c.

HENRY POTTINGER.

For Cape Town.

24th July, 1847.

Returned, to be acted on.—H. P.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 7th June, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—I have to request that the enclosed copies of a letter and diagram, this day received from Mr. C. T. Bird, Government land surveyor, respecting an error in the measurement of the town of Fort Beaufort, may be submitted to the department of the Surveyor-General in Cape Town, for the purpose of reporting whether the error in question may not be rectified in the manner suggested by Mr. Bird.

Mr. Bird is of opinion that at present no opposition would be offered to the correction of the error; and as it appears to be one committed by a public department, and may eventually give rise to very intricate litigation, both between individuals, and between them and the Government, it is very desirable that the attention of the Surveyor-General should be directed to the case, before it become complicated by disputes and conflicting claims.

I have, &amp;c.,

H. E. F. YOUNG, Lieutenant-Governor.

Spitskop House, Albany, 2nd June, 1847.

Sir H. E. F. YOUNG, Lieutenant-Governor, &c.,  
Eastern Province.

SIR,—In compliance with Your Honour's command, I proceed to state the error which, I regret to say, I detected in the measurement of the town of Fort Beaufort.

I was called upon, in my private practice as a surveyor, to determine the points *a*, *b*, *c*,  $\odot$  (*vide* diagram), that the proprietors might be able to proceed with building, division for sale, &c. &c. I therefore commenced from the point *d*, the stone indicating the angle of the property on which stands the Wesleyan chapel, and measuring sixty feet (the breadth of Henrietta-street); on a line produced to a small stone carefully cased with other stones, the corner of the Engineer's erf, I placed a pin at the point *a*.

Then turning, on a subsequent day, at a right angle from *d*, and measuring 90 feet (the breadth of Campbell-street), I caused a small hole to be chiselled in the pavement stone, to indicate the point *b*; this line I could not produce to *c*,

in consequence of a lot of building material preventing the passage. I therefore determined to take up the parallel line of the parade, and commencing at *a*, I measured 90 feet exactly, putting on a stone said to be the S.W. angle of the parade-ground (*e*). A flag being placed at *f*, a stone untouched, because defended by the prickly pear fence of the magistrate's garden, I measured towards *f*, but at 450 feet from *e* (the length of the diagrams in the lower block of building allotments, then in my possession), I found no sign of the N.W. angle of the parade, and I therefore measured up to the point *f*, and found I had nearly 10 feet to spare over and above the true length.

Obtaining subsequently the diagram of erf No. 32, D'Urban-street, I found that six out of the ten feet had been redeemed, by the surveyor making the length of erven on the upper block of erven 456 feet,—but nearly 4 feet still remained in error.

If therefore the point *g*, the N.W. angle of the parade-ground *must* be established by measuring 90 feet from the point of *f* towards *a*, we shall, by protracting that line, cut nearly four feet from the face of Campbell-street, which being closely built upon will injure much valuable property; but if I am permitted to establish the face of D'Urban-street by perpendiculars drawn on Campbell-street as a base, I can satisfy everybody, *causing only a slight eye-sore in D'Urban street, by throwing the spare ground into the street*;—and I have concurrent proofs, too lengthy to be introduced into this statement, that such face of D'Urban-street would be the true one.

As I propose to return to Fort Beaufort in about a month, I have the honour to request Your Honour's definite instructions as to which of these courses to pursue.

As to the discrepancy of the diagrams in the block of erven between the parade ground and church-street (456 feet) and the lower block of erven between Church-street and Graham's Town-street, I am at a loss to account for it. For having measured both sides of Church-street, it appears to me that the lower block might also have been described as 456 feet, instead of 450 only.

As a reference I would point out that the diagram of erf No. 32, D'Urban-street, is figured 38 roods; and the diagram of erf No. 22, D'Urban-street, is figured at 37-6 roods.

I have, &c.,

C T. BIRD,  
Government Land Surveyor, Late Captain 55th Regiment.

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Colonial Office, 17th June, 1847.

Referred to the Surveyor-General, for report

By order,

JOHN MONTAGU.

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### REPORT.

Surveyor-General's Office, June 19 1847.

It has long been the Surveyor-General's practice to object (for obvious reasons) to take one surveyor's word to the prejudice of another. Mr. Bird must know this well; and I am sure it is only the knowledge of Mr. Rex's absence (the gentleman who MADE THE SURVEY of Fort Beaufort) that has caused him to make known the error (if it is one) to His Honour the Lieutenant-Governor, instead of referring it to Mr. Rex. If Mr. Rex had been in the colony I should have had no difficulty in determining the question, as I should have desired him

to re-examine his work, and correct it, if necessary ; but his absence obliges me to recommend that this department be authorised to desire another surveyor to check the work, and, if found incorrect, to alter the boundaries of the adjacent streets, as we may find it necessary to direct, in order to prevent encroachments on private property.

M. R. ROBINSON, A.S.G.

28th June, 1847.

The necessary instructions to be issued from the Surveyor-General's department to have the survey examined and tested.

HENRY POTTINGER.

Colonial Office, Cape Town, 5th July, 1847.

Returned to the Surveyor-General with the view to his acting herein as directed by the Right Honourable the Governor, in his note upon these papers, dated 28th ult.

By order,

JOHN MONTAGU.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 26th July, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bt., G.C.B.

SIR,—In the official *Gazette*, published in Cape Town, on the 8th instant, appears a notice of the intention of Government to sell, on the 4th September next, various extensive tracts of land in the eastern districts. I have no doubt that all local references which were necessary, were made previously to my appointment to office ; but, on perusing the notice, I caused search to be made here respecting these lands, and have only discovered a trace of that small parcel which is proposed to be sold in Graham's Town, and which was applied for in July, 1845, and referred for report to the Surveyor-General in the same month, as per document annexed.

I have to-day received a letter, dated the 22nd instant, from the civil commissioner of Somerset, in regard to certain of the lands which are within his district, and form part of the Cowie Forest.

The enclosures to his letter consist, 1st, of a rough sketch of the Cowie Forest, divided into eight lots, with prices affixed to each, according to his estimate of their relative extent and value, amounting in the aggregate to 3,000 morgen and £2,800 respectively.

2nd. A letter from Mr. W. Ainslie, dated 10th July, 1847, to the civil commissioner of Somerset, enclosing a memorial to the Lieutenant-Governor, dated the 3rd instant, with a diagram showing the variances between the surveys of Messrs. Azerond and Chiappini, land surveyors, to the effect that lots 5, 6, and 8 are not in correspondence with each other, and that, consequently, no sales of these lots should be effected at present.

The memorial of Mr. Ainslie, above mentioned, states that Mr. Chiappini charged him as being possessed of 4,795 morgens of land, whilst his grant specified 3,799 morgens, and the land surveyors Messrs. Brown and Grieve found that his tract comprised only 3,340 morgens. The diagram of Mr. Brown was forwarded to the Surveyor-General by the memorialist, who prayed that the mistakes might be rectified, but he states that he received no reply. The memorialist alleges that the matter may be adjusted without encroaching on the



land of his neighbours, provided the adjustment take place previously to the alienation by Government of any more of the Cowie Forest.

3rd. A letter, dated 20th July, 1847, from Field-cornet Aldrich, recommending a re-survey of the division of Somerset, and referring to the case of the Blaauw Krans Farm, respecting which the Secretary to Government gave a reply, under date 14th November, 1846.

4th. Another letter, dated 21st July, 1847, from Mr. Aldrich, stating that lot 52, advertised for sale by Government on 4th September next, is a lot already sold by Government to Mr. McGregor, and is numbered 5 on the diagram of the Cowie Forest, and that lot No. 51, also proposed to be sold on the 4th September next, was applied for in March, 1845, by Mr. G. J. Erasmus, and is lot No. 4 on the farm diagram.

Mr. Aldrich asks, for the above reasons, that lots 51 and 52 (or 4 and 5) be not sold.

By a separate letter from the civil commissioner of Somerset, I find that Mr. H. Kuys, Acting 2nd Assistant Surveyor-General at Cape Town, directs the civil commissioner to receive £124 9s. for lot No. 4 from Mr. Erasmus, and to remit the amount to him; and in answer to the commissioner's reference of this direction to me, I have instructed him to retain this amount in his divisional public chest, and to credit it in his cash account.

The civil commissioner urges that a proper survey of the whole of the division of Somerset is essential, to determine with accuracy what is and what is not Government land, and suggests that until this be effected it is not desirable for the Government to sell any more land.

I beg to enclose all the papers in original, that they may be referred, if Your Excellency pleases, for report to the Surveyor-General, and thereafter be returned for record in this office.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

*Memorial of CHARLES WATSON, dated 11th July, 1845, to His Honour the Lieutenant-Governor,*

Stating that he is desirous of purchasing a certain piece of Government land adjoining his premises in Graham's Town, according to the conditions and regulations published in the *Government Gazette*, dated 24th May, 1840.

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Referred to the civil commissioner for report on the 24th July, 1845.

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REPORT.

I do not see any objection to the alienation of the piece of land applied for; but if there should be any doubt as to the sale of it affecting the triangular piece referred to by the Surveyor-General, this piece might be either added to the other, and so put up for sale in one diagram, or the whole divided into two lots, as might be considered most advantageous. Mr. Watson would be glad to become a purchaser in either case.

M. WEST, Civil Commissioner for Albany.

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Referred to the Surveyor-General for report, 24th July, 1844.

Civil Commissioner's Office, Somerset, 22nd July, 1847.

The Secretary to His Honour the Lieutenant-Governor,  
Graham's Town.

SIR,—With reference to my letter of this day, with regard to a lot of the Cowie Forest, I have the honour to transmit, for His Honour the Lieut.-Governor's information and consideration, a letter to my address from Mr. William Ainslie, enclosing a memorial with respect to the incorrectness of the diagram attached to his title deed of Spring Grove, and requesting a re-survey of his farm.

I annex, in order the better to explain the matter, a rough sketch of the Cowie Forest, also a letter from Mr. Aldrich, the field-cornet of Bavarian's River, stating that lot No. 5, again to be exposed for sale on the 4th September next, has been already sold. Mr. Ainslie considers that his boundary line passes through, and includes in his grant, the southern part of lots Nos. 5 (already sold) 6 and 8. It would not be safe to dispose of the lots Nos. 6 and 8, until Mr. Ainslie's farm be re-surveyed, unless His Honour should be of opinion that any proved deficiency in Mr. Ainslie's grant might be made up from Government land adjoining it, and to which I believe Mr. Ainslie would not object, his wish being to possess only the full extent of land mentioned in his title deed.

This is one of the cases brought to my notice when at the Cowie last month, and which induced me to suggest that crown lands should not be disposed of, before a proper survey be commenced of the whole of this division, which alone would remove the doubts as to which is and which is not Government land. Many proprietors of farms, I have reason to believe, occupy and use more land than they are entitled to; and a general survey would be to the interest of Government, as well as give satisfaction to the inhabitants. This is a matter which must be grappled with sooner or later; and my object in mentioning it, is to put His Honour in possession of information.

I enclose also, for His Honour's information, copy of a letter this morning received from Field-cornet Aldrich with regard to another case, in which surveyors have been employed to ascertain the boundaries of land measured by the late Surveyor Azerond.

I have, &c.,

H. HUDSON, Jr., Civil Commissioner.

Spring Grove, 10th July, 1847.

To H. HUDSON, Esquire.

SIR,—Per Mr. Aldrich I forward the memorial addressed to His Honour the Lieutenant-Governor. I hope the style and contents will be approved by you; have also sent copy of the lines of two diagrams, on the same scale and sheet; neglected nothing that I could think of to make the matter as clear as possible.

Mr. William Brown, surveyor, is able to furnish further information, if wanted.

The lines of the old diagram touch on No. 5, also on No. 6, and include two-thirds of No. 8; so I hope that no more sales of these allotments will be effected. I wish to make the farm as correct and complete as possible; and intend to purchase, if necessary, from Government.

I remain, &c.,

WILLIAM AINSLIE.

To His Honour Sir HENRY EDWARD FOX YOUNG,  
Lieutenant-Governor of the Eastern Province  
of the Cape of Good Hope.

The Memorial of William Ainslie, residing at Spring Grove, Eastern Cowie,  
district of Somerset, sheweth :—

Memorialist having purchased this farm, Spring Grove, in the year 1837, on taking possession, found that there were various opinions concerning the boundaries of the farm. In the year 1843, Land-surveyor Chiappini came to measure off the Government forest, lying on the northern side of the farm, which is now exposed for sale. Donald Devenish, eldest son of the grantee, now residing at Beaufort, (West) happened to be in this part of the country at that time, who stated he was with the first surveyor, Azerond, when the farm was surveyed for the grantee. Memorialist took the opportunity, and requested Chiappini to survey the farm, according as he, Donald Devenish, pointed out. Chiappini delivered a diagram accordingly, charging memorialist with the measurement of 4795 morgen of land, the grant being only 3799 morgen. Memorialist suspecting some mistake on the part of Chiappini, submitted the diagram to the inspection of Mr. W. Brown, also of Mr. Grieve, both Government land surveyors, who found that it only contained 3340 morgen.

Memorialist then sent a memorial to Government, praying that before any of the forest lands were sold, a re-survey should be made of the farm, stating his opinion that a portion of the land exposed for sale came within the lines of his diagram. Answer was returned, signed by Mr. Hertzog, stating that no part of the forest was ever intended to be given as a grant. Memorialist then employed Mr. W. Brown, Government land-surveyor, to ascertain where the lines of Azerond's diagram led to, and he found that they crossed the lines drawn by Chiappini, to allotments Nos. 7 and 8, on the northern boundary; and on the north-eastern side, that it encroached upon the farms of Messrs. Joseph and Bota, in Doorn Kloof.

The diagram of Mr. Brown, clearly showing the above statement, was sent to Colonel Michell, with a letter praying that these mistakes might be rectified. No acknowledgment has ever come to hand; the late disturbances put a stop to any further efforts, on the part of memorialist, upon the subject.

Memorialist has no wish to take advantage of the errors in the diagram made by the late Azerond, or desires any favour from Government whatever; only prays that justice may be done him; and begs to observe that the natural features of the country will leave no doubt on the mind of any land-surveyor, who possesses discernment, where the beacons were intended to be placed, in the spirit of the original grant. Memorialist is of opinion that all mistakes may be rectified without encroaching, in the least degree, on the farms of his neighbours.

The prayer of your memorialist is, that Your Honour will cause a proper survey to be made, that his full complement of land, as per original grant, and a new diagram granted; also, that if Your Honour is of opinion that memorialist has been forced by circumstances to be at the expense of a survey, that compensation may be granted; your memorialist respectfully states, that was he to insist in taking or keeping possession of the land in Azerond's diagram, it would throw his neighbour's lines into confusion, and be a source of annoyance to Government. Memorialist sends, through the civil commissioner, H. Hudson, Esq., copies of Azerond's and Chiappini's diagrams, drawn on one scale, as they bear reference to each other; of Mr. Brown's diagram, memorialist, unfortunately, has not retained a copy, but it likely may be found in Colonel Michell's office.

Your memorialist and other proprietors are sanguine in their hopes, that Your Honour will no longer allow such a state of affairs to exist. Hoping Your Honour will accede to the prayer of memorialist, and memorialist will ever pray, &c., &c.

WILLIAM AINSLIE.

Spring Grove, district of Somerset, July 3, 1847.

Baviaan's River, 20th July, 1847.

H. HUDSON, Esq., Civil Commissioner, &c., &c.,  
Somerset.

SIR,—I received your note per Mr. Goosen this day, and in reply have to state that, in regard to the dispute between Mr. Stokes and N. J. A. Goosen, the latter states that he has not the ground that is laid down in his diagram, framed by the late Mr. Azerond.

Mr. Goosen requested Mr. Chiappini to re-survey his farm, and point out the beacons between him and his neighbours on each side. This being done, Mr. Goosen was dissatisfied, as it appears that a dry ravine, and a piece of ground on the west side of the ravine, which is laid down in Goosen's diagram, now belongs to Mr. Stokes.

Subsequently, D. J. Riskert, the son-in-law of W. Lotter, the former proprietor of Mr. Stokes' farm, has pointed out to Goosen the beacons of the farm Blaauw Krans, and he states he was present when Mr. Azerond surveyed the farm, and those beacons are the same as pointed out to him by W. W. Viljoen, from whom he purchased it; and W. M. Prinsloo, the son of the late W. Prinsloo, the first proprietor of Klip Plaat, confirms Rickert's statement.

Mr. Stokes, on the other hand, says that he is of opinion that the beacons as they now stand, and as pointed out by Mr. Chiappini, are correct, and as pointed out to him when he purchased the farm.

I am of opinion that this affair cannot be settled by any court, and that it is necessary that a competent surveyor should be sent to re-survey all the farms in this division.

This is not the only place where there is a dispute about land boundaries. I can assure you that a great deal of discontent has occurred within these last few years amongst the inhabitants; there are but a few of the old inhabitants now residing on the farms who were the original proprietors when they were first surveyed.

I have, &c.,

GEO. ALDRICH, Field-cornet.

*Complaint of N. J. A. GOOSEN, Blaauw Krans.*

20th July, 1847.

That at his request his place, Blaauw Krans, was re-surveyed by Mr. Chiappini, for the purpose of pointing out the beacons between his farm and his neighbours on both sides; and now it appears that a dry ravine, which is laid down in his diagram, with a piece of land on the west side, falls out, and is in the farm of Mr. Stokes. Goosen has put up his beacons, as pointed out to him by D. J. Rickert, the son-in-law of W. Lotter, former proprietor of Mr. Stokes' farm, who was present when the farm Blaauw Krans was originally surveyed by the late Mr. Azerond and Willem Martinus Prinsloo, son of the late Willem Prinsloo, the first proprietor of Klip Plaat, on the east side. Mr. Stokes has knocked down his beacons and driven away his herd.

N. J. A. Goosen requests that his place may be re-surveyed by a competent land-surveyor, so that he may have the ground laid down in his diagram, and as pointed out to him by W. W. Viljoen, from whom he purchased the farm.

Colonial Office, Cape Town, 14th November, 1846.

*Reply to the Memorial of* NICOLAS GOOSEN,

Representing that the beacons of a quitrent place, called Blaauw Krans, situate in the field-cornetcy of Baviaan's River, Somerset division, purchased by him from Willem Viljoen, which has been remeasured by Mr. Surveyor Chiappini, are found not to correspond with the diagram of the land, or those originally pointed out to the memorialist; and praying for the Governor's interference herein.

The memorialist is informed, that his application cannot be taken into consideration without the production by him of the necessary documents, by which the correctness of his statements can be tested, or the means of redress suggested; but he is at the same time informed, that no single surveyor can be allowed to overthrow the work of another surveyor; and that this is necessary to avoid the difficulties which might arise from such a measure.

By His Excellency's command,

WM. SMITH,

For the Secretary to Government,

absent on duty.

Baviaan's River, 21st July, 1847.

H. HUDSON, Esq, Civil Commissioner, &c., Somerset.

SIR,—I beg leave to inform you that I find, in the *Government Gazette* of 8th July, a proclamation from His Excellency the Governor, proclaiming that on Saturday, the 4th September next, will be offered for sale by public auction, in front of the civil commissioner's office at Graham's Town, certain crown lands among which are six lots of the Government forest at the Kaga Berg. I conclude that this must be the Cowie Forest.

I beg to acquaint you, for the information of His Excellency the Governor and High Commissioner, that the Lot No. 52 has already been sold to Mr. John McGregor, and the proceeds of the sale paid in your office to your predecessor, for which Mr. McGregor holds the receipt. This lot is marked No. 5 on the general diagram of the Cowie Forest, but as yet Mr. McGregor has not received the diagram from the Government. I have likewise to acquaint you that agreeable to the Government notice of 30th December, 1845, Mr. Gideon Johannes Erasmus applied by letter to the Surveyor-General to become the purchaser of lot No. 4 of the Cowie Forest on the 31st March last. This lot is No. 51 in the schedule of the above proclamation.

Mr. Gideon Johannes Erasmus received a reply from the Assistant Surveyor-General, Mr. Charles Bell, dated 22nd April, 1847, that there was no objection to his becoming the purchaser of this lot.

I, on the 21st May, appeared at your office for the purpose of paying the whole amount of purchase, £124 9s, when you informed me that there was no authority in the office to receive it. Again, on the 1st July, I called at your office for the same purpose, when you informed me that you had wrote to the Lieutenant-Governor upon the subject, but as yet had received no reply.

I beg leave to request that you will be so good as to write to the Secretary to Government, and bring the above to his notice; so that the lots Nos. 51 and 52 may not be put up for sale, for there certainly must be an error somewhere.

By so doing, you will much oblige the parties mentioned.

I have, &c.,

GEO. ALDRICH, Field-cornet.



Civil Commissioner's Office, Somerset,  
22nd July, 1847.

The Secretary to His Honour the Lieutenant-Governor,  
Graham's Town.

SIR,—With reference to my letter to the Lieutenant-Governor of the 27th May last, I beg to annex, for His Honour's information, copy of a letter to my address from the acting second Assistant Surveyor-General on the subject of the lot No 4, of the Cowie Forest, of which Mr. Erasmus has offered to become the purchaser upon the terms notified by Government proclamation.

Mr. Aldrich, on behalf of Mr. Erasmus, has twice offered to me the sum of £124 9s., which I could not receive without authority. He has this day again offered the same to me, and produced a letter from the second Assistant Surveyor-General, copy of which I also annex. I have received the amount, but it strikes me very forcibly that it is necessary I should receive His Honour's authority for so doing.

With regard to remitting the amount to Cape Town, it appears to me that if lands are sold in this division, it is but proper that an entry should appear in the cash account for this division, and the money accounted for in the manner usual with other receipts of this division.

I shall be glad to receive His Honour's instructions whether I am in this instance to act upon the request from the Surveyor-General's office, as well as all future requests and directions from that department, connected with the sale of lands and receipt of moneys.

I have, &c.,

H. HUDSON, Junior,

Civil Commissioner of Somerset.

Surveyor General's Office, 12th July, 1847.

The Civil Commissioner, Somerset.

SIR,—Having received a letter from Mr. Aldrich, dated 1st instant, stating that he has offered to you the sum of £124 9s. for the purchase of a piece of land marked No. 4, of the Cowie Forest, on behalf of Mr Erasmus, and that you stated to him that you had no authority for receiving the same,—I have the honour to request that should Mr Aldrich's offer have been made to you prior to the proclamation dated 30th June, 1847, advertising said land again for public auction, you will have the goodness to receive the amount, and remit it to me, when the titles will be prepared, and forwarded for His Excellency's signature.

I have, &c.,

H. KUYS, Acting 2nd A.-S.-G.

Surveyor-General's Office, 12th July, 1847.

G. ALDRICH, Esq., Field-cornet, Baviaan's River, Somerset.

SIR,—In answer to your letter of the 1st instant, regarding the purchase of a piece of land in the Somerset division, being lot No 4 of the Cowie Forest, I beg to acquaint you that I have this day written to the civil commissioner of Somerset, authorising him to receive the amount offered by you for the purchase of said land, in the event that you offered to him the said amount previous to the proclamation dated 30th June, 1847, advertising said land again for public auction.

I have, &c.,

H. KUYS. Acting 2nd A.-S.-G.

July 26, 1847.

Acknowledge the receipt of this letter, and say that as the extent of lot No. 4 of the Cowie Forest is not given, I have no means of ascertaining whether £124 9s. is the value of it at the upset price; if it is so, and that Government has not fixed any higher price, and if the regulations of advertisement and money expenses have been complied with, Mr. Hudson is authorised to receive the amount, and to notify to the Surveyor-General's department that the amount so received is credited in his cash account as civil commissioner of Somerset.

H. E. F. YOUNG.

For Cape Town.

28th July, 1847.

I send herewith a letter and its accompaniments, received this day from His Honour the Lieutenant-Governor, regarding the proposed sale of lands in the eastern districts; which I beg may be submitted for the consideration and opinion of the Hon'ble the Executive Council, and such steps taken regarding it as may seem requisite. The Lieutenant-Governor's letter, &c., are to be returned to me when no longer required at Cape Town.

HENRY POTTINGER.

5th August, 1847.

Referred to the Surveyor-General, for explanation and report:

JOHN MONTAGU.

Surveyor-General's Office, 5th August, 1847.

The Honourable JOHN MONTAGU, Esq.,

Secretary to Government, &amp;c., &amp;c.

SIR,—In returning herewith the letter of His Honour the Lieutenant-Governor, dated 26th July, 1847, with the enclosures, I have the honour to report, for the information of His Honour, that, with regard to the land situate in Graham's Town, and to be sold by public sale, it was applied by Mr. Charles Watson to be exposed to public auction, whose application was referred to this office for report, on the 24th July, 1844, and reported upon on the 27th December following, recommending that it should be transmitted to the civil commissioner for Albany, requesting that gentleman to state whether there are any objections to the said land being put up to auction; upon which the civil commissioner for Albany replied, in date 8th October, 1845, that he was not aware of any objections existing to the sale thereof. It was then sent back to this office on the 10th October, 1845, and reported upon on the 16th November, 1846, recommending the sale; which was in consequence authorised by Government on the 20th November following, desiring said land to be advertised in the next list of crown lands, which was accordingly done.

With regard to the variances in the surveys of Messrs. Azeroud and Chiappini of the place called Spring Grove, I, in the first place, transmit a copy of a plan, framed by Mr. Land-surveyor Chiappini, of the Cowie Forest, on which the ground of Spring Grove is laid down, and represented as "actually situated," and from which it will appear that there is no encroachment whatever. As regards Mr. Ainslie's memorial, on which he states that no answer was received, I beg to observe that the memorial was referred to this office for report on the 10th February, 1845, and reported upon on the 27th of that month to His Honour the Lieutenant-Governor, and which report runs as follows:—"*No part of the Cowie Forest was included in the grant of the land now the memorialist's property, and*

*therefore, by the sale of the forest, there is not the slightest ground to apprehend any encroachment on his land.* As regards the "difference in the work of Messrs. Brown and Chiappini, I beg to state that I consider it a private question, with which Government has no concern."

With respect to the recommendation of the field-cornet, Mr. Aldrich, to cause a survey to be effected of the division of Somerset, I must say that it is a very desirable object; in fact, a regular trigonometrical survey of the whole colony would be much more desirable. But the expense would be as great as the magnitude of the work.

I am, moreover, of opinion that the mere assertion of one surveyor in opposition to that of another, as to the correctness of his work, has always been justly regarded by this department as not calculated to invalidate any survey, the correctness of which must depend upon the *joint* testimony of a *commission* of surveyors. In the present instance, Mr. Hertzog's report, above transcribed, sufficiently shows that the measurement of the forest does not encroach on Mr. Ainslie's property; besides, Mr. Chiappini is a qualified land-surveyor, under bond to Government for the correctness of his work; and if the sale of crown lands, surveyed by such a qualified surveyor, were to be postponed upon the mere plea of encroachment on adjoining property, such sales would become very rare.

The advertising for sale of the lots Nos. 4 and 5 of the Cowie Forest, after the same had been applied for by Messrs. McGregor and Erasmus, we considered ourselves justified in recommending; for although those parties had applied (McGregor, 31st December, 1846, and Erasmus, 21st March, 1847) to purchase them, and that they had been replied to in date, the former, 14th January, and the latter, 22d April, 1847, that they might have them on paying, within the period therein prescribed, the purchase amounts; the expiration of a term of so many months without hearing anything further on the subject, naturally led to the conclusion that they had given up the idea of becoming the purchasers. On Mr. Aldrich again addressing me, in date 1st July last, I wrote to the commissioner, requesting him to receive the purchase amount, should the offer have been made *previous* to the date of the proclamation. My having done so, I trust, will be approved of by His Excellency the Right Honourable the Governor.

My object in requesting the civil commissioner for Somerset to remit the money to this department, was with the view of these transactions passing through our books, which method I respectfully think preferable; but should it be thought more regular that it should be as the civil commissioner states, I can see no objection,—he, in the latter case, however, reporting to this office that such payment has been made, in order that there may be no delay in the preparation of the titles.

I have, &c.,

H. KUYS, Acting 2nd Asst. Surveyor-General.

#### MEMORANDUM.

Colonial Office, Cape Town, 5th August, 1847.

With reference to the memorandum from the Right Honourable the Governor, of the 28th ultimo, on the letter from His Honour the Lieutenant-Governor, regarding the proposed sale of lands in the eastern districts, I beg to forward to His Excellency the accompanying report from the Second Assistant Surveyor-General, of this day's date, which embraces all the points brought forward by His Honour

With respect to His Honour's remark, that from a letter from the civil commissioner of Somerset, he finds that Mr. Kuys directs the civil commissioner to receive £124 9s., for lot No. 4, from Mr. Erasmus, and to remit the amount

to him, and that he has instructed Mr. Hudson to retain this amount in the divisional public chest, and to credit it in his cash account,—I would beg to submit that His Honour may not, perhaps, be aware of the regulations in such cases, in regard to crown lands of this description.

Whenever lands offered for public sale are not so sold, any party wishing to purchase one or more lots of such lands can, upon application to the Surveyor-General, obtain them at the upset price which may have been fixed upon them. The person so applying deposits, by direction of the Surveyor-General, the amount required for survey, &c., and upset price, in the hands of the civil commissioner of the district, who should remit the sum to the Surveyor-General. That officer is instructed to receive and keep accounts of such sums, and is held responsible for the issue of the title of the land to the applicant, immediately after the payment thereof. Such sums are, of course, paid to the credit of the public; the only difference being, that the Surveyor-General pays them over to the Treasurer-General, and they appear in his cash account to the credit of the division in which the lands sold were situated, instead of in that of the civil commissioner.

By this arrangement, the Surveyor-General is held responsible for this money when received by him, and the speedy issue of the title-deed to the applicant is thereby insured.

I would therefore suggest the expediency, should His Excellency have no objection, of the Lieutenant-Governor being requested to cause this amount to be remitted to the Surveyor-General, as Mr. Hudson's retaining it might, I fear, create confusion in his accounts, as well as in those of the Surveyor-General; and so avoid queries by the Auditor-General.

JOHN MONTAGU.

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*Proposed sale of Land in the Eastern Districts.*

11th August, 1847.

The explanations seem to me to be quite satisfactory, and to show that the parties themselves are chiefly to blame.

H. P.

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MEMORANDUM.

Graham's Town, 11th August, 1847.

I transmit these papers for the perusal and information of His Honour the Lieutenant Governor, and request that he will be so good as to direct the civil commissioner of Somerset to remit the sum in deposit, £124 9s., to the Surveyor-General, as that appears to have hitherto been the practice, and should be adhered to, until a change of system is decided on, and publicly announced.

HENRY POTTINGER.

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11th August, 1847.

Instruct Mr. Hudson, junior, to remit the £124 9s., and furnish him with copy of so much of the Surveyor-General's letter as relates to his district, for the information of the parties concerned.

H. E. F. Y.

## SALEM.

Government Office, Graham's Town,  
24th June, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B., &c., &c., &c.

SIR,—I have the honour to request that the Surveyor-General be instructed to report on the causes of the delay in the issue of grants to the applicants for crown land at Salem.

The Reverend Mr. Shaw, Wesleyan minister of Graham's Town, and Mr. Matthews, a justice of the peace resident at Salem, called on me yesterday, to represent that the occupiers of crown land at Salem, although always desirous of obtaining titles to their locations, and having made repeated applications for them, had been twenty-seven years at Salem without title.

The Rev. Mr. Shaw accompanied these settlers at Salem from England; and I am informed by Mr. Matthews that some years ago, the settlers, at the recommendation of Mr. Bell, of the department of the Surveyor-General, deposited money in the Eastern Province Bank, to cover the official expenses of the grants, and that it remains in the bank available for these purposes.

Numerous other cases of the non-issue of titles have been brought to my notice; but I defer for the present troubling Your Excellency with them.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

For Cape Town.

25th June, 1847.

To be referred to the Honourable the Secretary to Government, who is requested to obtain the Surveyor-General's report on it, and to return it to me for the Lieutenant-Governor's information. Cannot steps be taken to comply with the application?

HENRY POTTINGER.

Colonial Office, Cape Town, 3rd July, 1847.

Referred to the Surveyor-General, for report.

By order,

JOHN MONTAGU.

## REPORT.

Surveyor-General's Office, 3rd July, 1847.

The Hon'ble JOHN MONTAGU, Secretary to Government.

Respecting the representation made by the Rev. Mr. Shaw, of Graham's Town, and Mr. Matthews, J.P., of Salem, "that the occupiers of crown land at Salem, although always desirous of obtaining titles to their locations, and having made repeated applications for them, had been twenty-seven years at Salem without titles,"—I respectfully beg to state, that the Salem party of settlers have been in possession of their title deed *since the 20th November, 1823*, when the ground ceased to be "crown land," by the issue of the grant to an extent of 5913 morgen, 532 square roods, "to Mr. Hezekiah Sephton and party of settlers," at an annual quitrent of £4 8s. 6d., and which title is registered Albany fol. 68.

By the issue of the grants to the heads of parties, the Government completed its share in the business; and it was left to the head of the party to transfer, in the regular way, before the Registrar of Deeds, to those under him, such portions



as each was entitled to; but in order to further the object as much as possible, and to facilitate the completion of the transfers, the Government paid the expense of the subdivisions and the framing of separate diagrams. No transfers, however, were effected, but the parties continued to make over their shares in the locations to other persons not originally entitled to them, so that, in the end, it has become very difficult to ascertain who is the person entitled.

During Mr. Bell's (Assist. Sur.-Gen.) stay on the frontier, this state of things attracted his attention, and, although there was no further claim on Government, who, by issuing the title to the entire location, had completed its share in the transaction; and might justly have declined all further interference, he asked permission to perform certain inspections, and to act for the parties before the committee under Ordinance No. 97; and agreed with the claimants that certain sums, to defray the expenses consequent on this measure, should be deposited in the Eastern Province Bank; which it would seem was done. But as the method must have appeared to Mr. Bell too expensive to the parties, he suggested and submitted the draft of an ordinance, by which, after certain forms having been gone through, parties would be placed in possession of their titles. This suggestion was approved of, and an ordinance passed, No. 15, 28th August, 1844;—a reference to which, and the subsequent proclamations and Government notices, will at once show the labour and attention to be bestowed by this department on the settling of questions regarding which Government had ceased to have any concern. By this ordinance the parties were released from the expenses that would otherwise have been incurred; and on the 23rd June last a notice was sent to the *Graham's Town Journal*, intimating that the deposits in the bank would be returned to the depositors.

Under the provisions of the ordinance, several claims have been already settled by the issue of *separate* titles, and a proclamation relating to Salem and other parties is ready for publication, and will appear in the *Government Gazette* the moment an answer is received from Mr. Matthews, who was written to from this office in date 24th ultimo.

CHAS. C. MICHELL, Surveyor-General.

#### MEMORANDUM.

Graham's Town, 14th July, 1847.

The Surveyor-General's report seems to me to be a most conclusive, and, so far as the Government and its officers are concerned, satisfactory reply to, and refutation of, the alleged neglect regarding title deeds. I request that His Honour the Lieutenant-Governor will be so good as to have it communicated to the parties concerned, and these papers afterwards returned to me.

HENRY POTTINGER.

14th July, 1847.

Sent for the perusal and information of His Honour the Lieut.-Governor, and to be returned to me when quite done with.

HENRY POTTINGER.

Graham's Town, 24th August, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bart., G.C.B.

SIR,—With reference to my letter to Your Excellency under date 24th June, on the non-issue of title deeds to the settlers of Salem, in 1820, and to the explanation afforded by the Surveyor-General, dated the 3rd July, I have now the

honour of forwarding a letter, dated the 3rd instant, from the Rev. Mr. Shaw, and Mr. Matthews, justice of the peace at Salem.

The civil commissioner of Albany reports that, in 1844, the arrear quitrent on the Salem grant, exclusive of stamps, amounted to £61 19s.; which amount was paid by Mr. Matthews, on behalf of the nominal head of the Salem party, and was subsequently refunded to Mr. Matthews, by orders of the local Government.

I annex a copy of a letter, dated 10th October, 1845, from the Hon'ble the Secretary to Government to the civil commissioner of Albany, directing the repayment of a sum of £226 7s. 1d. (which includes the Salem quitrent of £61 19s.), being an amount refunded to persons who had paid quitrent as nominal heads of settlers, on grants of crown land, titles to which were not issued, as they ought to have been, to each separate occupant of crown land.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Graham's Town, August 3, 1847.

J. C. CHASE, Esquire,

Secretary to His Honour the Lt.-Governor, &c. &c. &c.

SIR,—Referring to the report of Lt.-Colonel Michell, the Surveyor-General, relative to the issue of titles to the settlers at Salem,—copy of which the Lieut.-Governor has done us the honour to transmit for our information,—we beg leave to submit the following observations, to show that we had not alleged a grievance, in regard to the long delay in issuing these titles, without some good reason.

The British settlers located at Salem in 1820, came to this country, in common with the other settlers of that period, under a pledge from the Government that at the end of *three years* from their first location, *each settler* should receive a grant of 100 acres of land, free from charges, and free also from quitrent for a specified number of years.

Colonel Michell's statement, that the Colonial Government issued to Mr. Hezekiah Sephton, as head of the Salem party of settlers, a title to the whole of the location, dated November 20, 1823, is of course correct; but this was never of any service to the settlers of Salem, for they never could admit that this proceeding was a fulfilment of the terms originally proposed to them by the British Government, and on the faith of which they came to this country. They regarded it as a mere expedient to save trouble in the Surveyor-General's department of that period, and at their cost and inconvenience.

In consequence of the general dissatisfaction of the British settlers on this subject, Mr. Commissioner Hayward was sent, in 1825, to investigate and decide upon their individual claims, and as their claim to receive separate grants was found to be incontestible, on the ground of *right*, and not of *favour*, some time subsequently the subdivisions were made, by order and at the expense of Government; but it was not till the ordinance No. 15, August, 1844, was passed, that any effectual provision was made for meeting the difficulties which this long delay had created, and for granting titles to the separate locations.

Thus *twenty-four* years had passed away, before the Colonial Government completed the arrangements for granting titles, which, by the original pledge of the British Government, ought to have been issued at the end of *three* years.

Nearly three years have also elapsed since the passing of the ordinance No. 15, August 28, 1844, and the settlers of Salem still remain without their titles, although the first undersigned has done, on their behalf, all that he was instructed would be necessary to enable the Surveyor-General's department to issue them.

We would respectfully submit, that the fact that one or two of the claims probably cannot be decided without an appeal to the law (an evil result of the

long delay) ought not to interfere with the completion of the titles in all the other cases where there are no disputed claims whatever, and which have no connection at all with the one or two instances in which the parties have been unable to agree upon their respective claims. If all the other parties whose claims are clear, receive their titles, the persons interested in the disputed case, or cases, will soon find out some method of obtaining a decision upon them.

We have, &c.,

W. H. MATTHEWS, J.P.,

W. SHAW, Minister,

(On behalf of the British Settlers of Salem.)

Colonial Office, Cape Town, 10th October, 1845.

The Civil Commissioner for Albany.

SIR,—With reference to my letter of the 23rd May last, transmitting a warrant for the re-payment to you of the sum of £226 7s. 1d., being the amount to be repaid to those parties who had paid their arrear quitrents on certain grants made to the heads, or nominal heads, of parties of British settlers, and which payments it is proposed to cancel, under ordinance No. 15, of 1844, in order that titles to the subdivisions thereof may be issued,—I am directed by the Governor to inform you, that His Excellency has been pleased to approve of the charges made for stamps on the quitrent receipts being remitted, upon the production by the several parties of the stamped receipt.

I have, &c.,

JOHN MONTAGU.

#### MEMORANDUM.

Graham's Town, August 25, 1847.

I beg to refer this letter for the further explanation and report of the Surveyor-General. The former explanation struck me as satisfactory, but that is combated by these papers.

HENRY POTTINGER.

#### REPORT.

Surveyor-General's Office, 9th September, 1847.

Having attentively perused the letter addressed to the Secretary to His Honour the Lieut.-Governor by the Reverend Mr. Shaw, and Mr. Matthews, justice of the peace at Salem, dated 3rd ultimo, remarking on my report on a complaint made to His Honour, dated 3rd July last, relative to the issue of titles to land allotted to the Salem party, I have the honour to state that I have in vain endeavoured to find any proof for the assertions contained in that letter, as the matter has not only occupied my own attention, but also that of the officers of the department, and that we have been in correspondence on the subject with the Government, so far back as the year 1842, and I am therefore under the necessity of declaring that I see no reason to alter, in any way, my report above quoted. On the contrary, I am now more than ever confirmed in my opinion that the Colonial Government had, by the grant of the entire location to the head of the party, fulfilled *all* it stood pledged to execute by the engagements entered into in Downing-street. And to show that this is not merely my opinion, I beg to annex herewith a copy of a letter addressed to me by Government, dated 7th Feb., 1843, together with a communication from Her Majesty's Attorney-General.

Should, however, Messrs. Shaw and Matthews be in possession of documents which prove their assertion, that "*each settler*," was to receive a separate grant,—and which, from the pointed manner in which they state that to be the case, I cannot but presume they have,—it is to be regretted that such were not furnished to Mr. Bell, the Assistant Surveyor-General, when he investigated the several claims on the spot in 1842, which would have saved a great deal of correspondence, and ensured the speedy settlement of the question.

Messrs. Shaw and Matthews are in error when they state that they regarded the issue of the title to the entire location "as a mere expedient to save trouble in the *Surveyor-General's* department of that period," since the titles were at that time prepared in the *Colonial* Office, under the immediate superintendence of the Secretary to Government, who, acting under the direct order of the Governor himself, cannot but be considered to have been perfectly acquainted with the instruction from the Secretary of State.

The sending of Mr. Hayward, I have always understood to have been occasioned by the complaints of the settlers *generally*, and not *particularly*; on the score of issuing grants to the heads of the parties;—but this may be so. However, the result of Mr. Hayward's mission was not productive of an order for separate titles being prepared, but the locations were subdivided in manner recommended by Mr. Hayward, in order that each holder should receive transfer, in the usual manner, from the party to whom the location had been granted.

On reference to the *Government Gazette* of 5th August last, it will be seen that the proclamation containing the claims in the "Salem party," is dated 29th July, but which could not have been known to Messrs. Shaw and Matthews when they wrote their letter, which is dated the 3rd of the month of August.

His Honour the Lieutenant-Governor's letter of 24th August, with its enclosures, are herewith returned.

CHAS. C. MICHELL, Surveyor-General.

Colonial Office, Cape Town, 7th February, 1843.

The Surveyor-General, &c., &c., &c.

7th December, 1842.

4th February, 1843.  
No. 10 of 20th July,  
1819.

SIR,—In reply to your letter of the 16th December last, submitting one, herewith returned to you, from the 2d Assistant Surveyor-General, Mr. Bell, relating to his views and proposals for settling the questions arising from the claims of the British settlers, for titles to their locations, I am directed by His Excellency the Governor to transmit to you, for your information, the accompanying copy of Her Majesty's Attorney-General's opinion upon the subject, together with a copy of Earl Bathurst's despatch on the subject of emigration to this colony, quoted by you.

I have, &c.,

(Signed)

J. MOORE CRAIG.

#### OPINION.

4th February, 1843.

After an alternative consideration of Earl Bathurst's letter of the 20th July, 1819, the printed memorandum annexed thereto, and some other communications, from His Majesty's Government of that date, it appears to me that neither the Imperial nor the Colonial Government entered into any engagement with, or incurred any responsibility to, any other class of settlers than the heads of parties.

Finding that the same view is taken by the Surveyor-General, and having reason to think that the 2nd Assistant Surveyor-General has altered a contrary opinion (founded upon the only evidence within his reach, but which has turned

out to be inaccurate), and now coincides in the correctness of limiting the engagement entered into by Government, in the manner above indicated, I am relieved from the necessity of arguing the point.

But while the 2nd Assistant Surveyor-General will thus be already on his guard against fettering the Government, in regard to those perplexing cases, he cannot, in my opinion, devote his time and talents to a more desirable object than that of facilitating, by every means in his power, the settlement of titles amongst all persons connected with the immigration of 1820, or the lands granted for its support.

The idea thrown out by Mr. Bell, relative to the application of Ordinance No. 97, to the class of cases now in question, appears to be a very good one; and if he can afford leisure for the preparation of the necessary memorials to be addressed to the committee under that ordinance, I conceive that by so doing he may materially serve both the Government and the public.

(Signed)

W. PORTER.

Instead of this method, which is one attended with great expense to the parties, the one contained in the ordinance 15, 1844, was adopted, as attended with no expense. Surveyor-General's office.

Downing-street, London, 1819.

I have to acquaint you, in reply to your letter of \_\_\_\_\_ that the following are the conditions under which it is proposed to give encouragement to emigration to the Cape of Good Hope.

The sufferings to which many individuals have been exposed, who have emigrated to His Majesty's foreign possessions, unconnected and unprovided with any capital, or even the means of support, having been very afflictive to themselves, and equally burthensome to the colonies to which they have proceeded, the Government have determined to confine the application of the money recently voted by address in the House of Commons to those persons who possessing the means, will engage to carry out, at the least, ten able-bodied individuals above eighteen years of age, with or without families; the Government always reserving to itself the right of selecting, from the several offers made to them, those which may prove upon examination to be most eligible.

In order to give some security to the Government that the persons undertaking to make these establishments, have the means of doing so, every person engaging to take out the abovementioned number of persons, or families, shall deposit at the rate of ten pounds (to be repaid as hereinafter mentioned) for every family so taken out, provided that the family does not consist of more than one man, one woman, and two children under fourteen years of age. All children above the number of two will be to be paid for, in addition to the deposit abovementioned, in the proportion of five pounds for every two children under fourteen years of age, and five pounds for every person between the age of fourteen and eighteen.

In consideration of this deposit, a passage shall be provided at the expense of Government for the settlers, who shall also be victualled from the time of their embarkation until the time of their landing in the colony.

A grant of land, under the conditions hereafter specified, shall be made to him at the rate of one hundred acres for every such person or family whom he so takes out, one third of the sum advanced to Government on the outset shall be repaid on landing, when the victualling at the expense of Government shall cease; a further proportion of one third shall be repaid as soon as it shall be certified to the Governor of the colony that the settlers, under the direction of the person taking them out, are actually located upon the land assigned to them; and the remainder, at the expiration of three months from the date of their location.

If any parishes, in which there may be a redundancy of population, shall unite in selecting an intelligent individual to proceed to the Cape; with settlers



under his direction, not less in number and of the description above mentioned, and shall advance money in the proportion above mentioned, the Government will grant land to such an individual at the rate of 100 acres for every head of a family, leaving the parish at liberty to make such conditions with the individual, or the settlers, as may be calculated to prevent the parish becoming again chargeable with the maintenance of such settlers, in the event of their return to this country.

But no offers of this kind will be accepted, unless it should be clear that the persons proposing to become settlers shall have distinctly given their consent, and the head of each family is not infirm or incapable of work.

It is further proposed, that in any case in which one hundred families proceed together and apply for leave to carry out with them a minister of their own persuasion, Government will, upon their being actually located, assign a salary to the minister whom they may have selected to accompany them, if he shall be approved by the Secretary of State.

The lands will be granted at a quitrent, to be fixed, which rent, however, will be remitted for the first ten years, and at the expiration of three years (during which the party and a number of families, in the proportion of one for every hundred acres must have resided on the estate), the land shall be measured at the expense of Government, and the holder shall obtain, without fee, his title thereto, on a perpetual quitrent, not exceeding in any case two pounds sterling for every hundred acres; subject, however, to this clause, beyond the usual reservations, that the land shall become forfeited to Government, in case the party shall abandon the estate, or not bring it into cultivation within a given number of years.

I have, &c.,

(Signed) BATHURST.

#### MEMORANDUM.

15th September, 1847.

I send this further report from the Surveyor-General, for the information of His Honour the Lieutenant-Governor and the parties concerned. It seems to me, as did the last, quite conclusive; and unless Messrs. Matthews and Shaw can support these statements by written proofs, I see no use in continuing the correspondence.

HENRY POTTINGER.

Eastern Districts.

Graham's Town, 25th October, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Bt., G.C.B., &c. &c. &c.

SIR,—I have the honour of forwarding to Your Excellency a letter, dated the 18th instant, from the Revd. Mr. Shaw, Wesleyan minister, and Mr. Matthews, justice of the peace, on the subject of the non-issue of grants to the settlers at Salem, in Lower Albany, in the year 1820.

On behalf of the settlers, these gentlemen represent that a title was promised to each holder of land, and not merely to each head of a party of settlers, as represented by the Surveyor-General in his report of the 9th September, 1847.

I believe that Ordinance No. 15, of the year 1844, under a proclamation similar to that issued on the 29th July last, would enable the Board of Commissioners for lands to meet the wishes of Messrs. Shaw and Matthews; and I would therefore respectfully move Your Excellency to cause this accompanying letter to be submitted to the Surveyor-General.

I have, &c.,

H. E. F. YOUNG.

Graham's Town, October 18, 1847.

J. C. CHASE, Esq., Secretary to Lt.-Governor, &c. &c. &c.

SIR,—Without being desirous of continuing the correspondence relative to the non-issue of *separate* titles to the settlers at Salem,—we beg leave to offer a few additional observations upon the report of the Surveyor-General, dated Sep. 9, 1847, which comments upon our last communication, and seems to require that we should show more fully why the settlers believe themselves entitled to receive, from the colonial Government, separate titles to their respective locations.

The British settlers of 1820 rest this claim upon the document issued from the Colonial Office, Downing-street, 1819, copy of which is exhibited in the papers produced by Lt.-Colonel Michell, and in which may be found these words,—“The land shall be measured at the expense of Government, and **THE HOLDER** shall obtain, without fee, his title thereto,” &c.

With profound respect for the high character and professional ability of the Hon'ble the Attorney-General, we do not conceive that the bare expression of that gentleman's adverse opinion should be deemed decisive on this point, since the *case* placed before him, must have been very imperfectly stated; for it is not known in Albany that any person of competent information was ever called upon, on behalf of the settlers, to state their view of the case, with the reasons upon which it was founded, and on which they were led to adopt the opposite side of the “alternative consideration” to that which, as we conceive, the Attorney-General espoused; from the imperfect character of the information placed before him.

The error into which the colonial Government seems to have been led relative to these titles, originated in not adverting to the fact that there were *two distinct* classes of settlers. Many of the parties consisted of ten or more families who were the articulated servants of the head of the party; the latter advanced the required deposit of £10 for each man, with the understanding that *the whole location* of the party was to become his property. Of course, in all these cases, the head of the party was the only “holder;” and the title, in exact conformity with the original condition, was issued to him alone. In all these cases, the issue of the title to the head of the party was, no doubt, the completion of all that Government engaged to perform.

But after the issue of the document from Downing-street in July, 1819, the Government accepted proposals from several large parties to emigrate to this country, on the plan that *each* settler might pay his *own deposit money*, and of course thereby become entitled to his share of the land; but for convenience of communication a head of each party was appointed. This was the plan upon which Bailie's, Wilson's, Sephton's (or the Salem) parties, and some others, were formed. Each party elected a nominal head, but as all the settlers paid their respective shares of the deposit money, each considered himself to have a separate and distinct claim. The head of the party was in no sense “the holder” of their lands, but from the time of his location each settler of this class became “the holder” in his own right, and each man, consequently, expected his grant, according to the original terms propounded by the Imperial Government.

This was the view universally taken of the matter by the settlers themselves;—we do not believe that a single individual among them ever understood the matter in any other way; and where so large a body of persons are concerned, this must of itself be taken as a presumptive evidence that it is the correct view.

In confirmation of our former representation, that it was chiefly the dissatisfaction of the settlers on this point, which caused the Colonial Government to send Mr. Commissioner Hayward to inquire into their individual,—and not their *general* claims, as suggested by Colonel Michell,—it is only requisite to remark that Mr. Hayward was sent to enquire in 1825, whereas the titles were issued to the *heads of parties* in the year 1823, two years previously, and which, as soon as it became known, occasioned great dissatisfaction, being regarded as a breach of faith on the part of Government. That the inquiry of Mr. Hayward “was not

productive of an order for separate titles being prepared," is matter of regret, since it left the work *incomplete*, which, so far as the adjustment of the *separate* claims was concerned, he had commenced and carried forward in a manner which produced general content and satisfaction.

But that the *Colonial Government itself*, at a period subsequent to Mr. Hayward's visit, must have regarded the settlers as entitled to *separate* grants, is very evident from the fact that, after long delay, a commencement was made to issue them. This commencement was made in the year 1841, nearly two years before the matter was referred for the opinion of the Attorney-General in 1843: a fact of which we must doubt whether that officer was cognizant, or, we venture to think, he would have advised that such a proceeding, being a practical admission of the claim, had decided the question.

John Bailie, Wm. Harden, Josh. Garland, James Hoole, John Rowles, John Duffy, P. R. Marillier, John Lawler, Kemp Knot, Henry James Lloyd, Tim. Flanagan, and others.

The proof of the assertion contained in the preceding paragraph may be found in the Transfer Office. On the 15th September, 1841, *separate* transfers were made to the settlers whose names are in the margin, and who claimed their separate locations as the settlers of Bailie's party. Now, if the settlers of that party were entitled to receive separate titles, on what ground can the claim of other settlers of the same class be denied? We believe that these separate grants were made to other parties besides that of Bailie's, but the proof is not at hand, nor is it necessary to multiply instances.

Where the blame of this long delay may rest, it is not in the province of the undersigned to say; but they trust His Honour will be satisfied from this communication, that they had just grounds for the complaint which they brought under his notice, on behalf of the settlers at Salem, and which has occasioned this correspondence.

We have, &c.,

W. SHAW, Minister.

W. H. MATTHEWS, Justice of the Peace.

#### MEMORANDUM.

I send this further letter from His Honour the Lieut.-Governor regarding the grants to the Salem settlers. From a hasty perusal of it (for I am too much pressed by other duties to give it lengthened consideration) I do not think that they have made out a case; but I shall be glad to have the Surveyor General's opinion, and, if necessary, that of the Executive Council.

HENRY POTTINGER.

Graham's Town, 26th October, 1847.

Surveyor-General's Office, 9th November, 1847.

The Hon'ble JOHN MONTAGU, Esq., &c., &c., &c.

SIR,—In returning herewith His Honour the Lieutenant-Governor's letter, dated 25th ultimo, forwarding to His Excellency the Right Honourable the Governor a letter of the Reverend Mr. Shaw, minister, and Mr. Matthews, Justice of the Peace, relative to titles to be issued to the Salem parties of settlers,—I have the honour to state that I deemed it unnecessary to enter into any further detail of the claims the settlers set up to separate titles to their respective locations, as the Ordinance No. 15, 1844, is fully explicit on that head; and I can further report, that the titles to the portion of allotments in the Salem party are all ready for His Excellency's signature, and will be submitted as soon as the report respecting the payment of the redemption of quit-rent, by the individuals of that party who are to receive the "separate titles," shall have been received.

I cannot refrain from remarking that as Messrs. Shaw and Matthews were, at the time of their addressing His Honour the Lieutenant-Governor, perfectly aware that the titles to separate allotments were in course of preparation, they might have alluded to that circumstance, and thus prevented the necessity of this further correspondence; for after all, the only thing which their letter serves to prove, is, that it is more consonant with their wishes to understand Lord Bathurst's very clear despatch in the manner they do, than according to the meaning as interpreted by the Attorney-General and myself.

I have, &c.,

CHAS. C. MICHELL, Surveyor-General.

### MEMORANDUM.

His Honour the Lieutenant-Governor having left Graham's Town, I return these papers *at once*, in order that the purport of the Surveyor-General's report, in which I entirely concur, may be made known to the applicants.

HENRY POTTINGER.

Graham's Town, 16th November, 1847.

Colonial Office, Cape Town, 22d November, 1847.

The Rev. W. SHAW and W. H. MATTHEWS, Esq., J. P.

GENTLEMEN,—In reference to your letter, dated the 18th October, in continuance of the correspondence relative to the non-issue of separate titles to the settlers at Salem,—I am directed by the Right Honourable the Governor to convey to you His Excellency's concurrence with the report of the Surveyor-General, of the 9th instant, being the third report on the subject,—viz., that it is unnecessary to enter into further detail of the claims set up by the settlers for separate titles to their respective locations, as the Ordinance No. 15, 1844, is fully explicit on that point, and the titles to allotments in the Salem party will be submitted for His Excellency's signature as soon as the report respecting the payment of the redemption of the quitrent, by the individuals of that party who were to receive their "separate titles," shall have been received.

His Excellency observes that it would have been proper to have alluded (at the time of your addressing His Honour the Lieutenant-Governor) to the fact of the titles to the separate allotments being in course of preparation, of which circumstance you were, it would seem, perfectly aware.

I have, &c.,

JOHN MONTAGU.

Graham's Town, 14th December, 1847.

The Hon'ble J. MONTAGU, Esq.,

Secretary to Government, &c., &c., &c.

SIR,—We have the honour to acknowledge the receipt of your letter of the 22d ult., conveying the Right Honourable the Governor's decision relative to the correspondence respecting the issue of separate titles to the settlers at Salem, wherewith we are perfectly satisfied, as we never desired to prolong that correspondence, which we beg to remind you arose out of the denial on the part of the Surveyor-General of what we conceive to have always been a just claim.

With regard to the implied imputation contained in the latter paragraph of your letter,—that we concealed "the fact of the titles being in course of preparation," of which circumstance it is assumed "we were perfectly aware,"—we beg leave to state that we were *not* at all aware that any steps were in progress.

towards the issue of these titles, or we trust we have a sufficiently correct sense of what is due to ourselves *not* to have concealed so important a fact, or even to have applied to the Lieutenant-Governor at all on the subject.

We stated to His Honour at the time, that with the provisions of the ordinance No. 15, 1844, we were entirely satisfied, as it meets all the wants of the case;—but His Honour having, by advertisement, called for all parties to report their claims for land titles, we were deputed by the Salem people to complain that, notwithstanding that ordinance was passed three years before, they were still without their titles, and no progress seemed to be making in the work of issuing them.

We trust to be excused this further communication, as we do not feel that it would be just to ourselves to suffer this correspondence to close with so unfounded an imputation upon our course of conduct, coming from so high a quarter.

We have, &c.,

W. SHAW, Minister.  
W. H. MATTHEWS, J. P.

Cape of Good Hope, Eastern Districts.

Government Office, Graham's Town, 28th June, 1847.

His Excellency the Right Honourable

Sir HENRY POTTINGER, Baronet, G.C.B.

SIR,—I have the honour of forwarding to Your Excellency a correspondence respecting a commission to report on the improvements of which Algoa Bay is capable, and to express my hope that it may be found compatible with the other exigencies of the public service, to direct the commissioners to enter on their investigation at this time.

I have, &c.,

H. E. F. YOUNG,  
Lieutenant-Governor.

#### MEMORANDUM.

8th July, 1847.

I am about to send this letter to Cape Town; but before I do so, I should be glad to know whether Lieut. Jamison has made any progress in fulfilling the very full and distinct instructions issued to him. It seems to me that the assembling of the members of the committee before that information is obtained would be to no purpose, as the basis of whatever report they may make *must* be the information to be obtained by Lieut. Jamison.

HENRY POTTINGER.

Colonial Office, Cape Town, 26th January, 1847.

W. LLOYD, Esq., R.N., Resident Magistrate, Port Elizabeth.

SIR,—I am by desire of the Governor to acquaint you, that His Excellency has been pleased to appoint you to be one of the members of the commission for inquiring into and reporting on certain matters relating to the port of Algoa Bay; and I am at the same time to transmit to you herewith a copy of His Excellency's commission for your appointment, accordingly, in conjunction with the other members of the board.

I am further instructed to enclose herewith, for your information, copies of two letters addressed to Lieut. Jamison, R.N., and to the Rev. Dr. Adamson, respectively.

I have, &c.,

JOHN MONTAGU.

20th January, 1847.

14th January, 1847.  
26th January, 1847.



Colonial Office, Cape Town, 14th January, 1847.

Lieut. JAMISON, R.N., Port Captain, Port Elizabeth.

SIR,—From a report on the character and capabilities of Algoa Bay, lately drawn up by Sir John Marshall, of the Royal Navy, it appears that the only plan extant of that bay is the result of a survey made in 1797, which, in the opinion of that experienced officer, tends to discourage ships from entering the bay, as it represents a curved indentation instead of a bay, open not more than six points of the compass to seaward.

I am, in consequence, directed by His Excellency the Governor to convey to you his instructions to make, with accuracy and care, a minute survey of the bay, commencing from the mouth of the Zwartekop's River, where the adjoining flats afford considerable facilities for the measurement of a base-line, and extending the survey to Cape Recife.

In order that the survey, as intended, may contribute to the safety of ships frequenting the bay, it is of the first importance that the extent and position of all shoals, reefs, and sunken rocks, either in the bay or its approaches, be accurately determined, and the depth of water on them, at low-water mark, ascertained.

To these points I am instructed to call your attention, as also to the mapping down of such objects as, from their prominency and durability, may serve as land marks to direct the shipping in their course.

In determining the relative positions of the above objects, it is His Excellency's desire that their azimuth or bearings, at such points in your survey as you may think fit to select, be referred to the true, and not the magnetic, meridian; though to this may be added with advantage the variation of the compass at the time the survey was made; and at some future time its mean annual rate of change.

As it is His Excellency's intention soon to appoint a commission to inquire into and report upon the present state of your harbour, and the available improvements of which it is susceptible, both as regards the safety of ships at anchor, and the facility of communication between ships and the shore, I am directed further to inform you, that, previous to this inquiry being instituted, it is desirable that soundings be taken of that part of the bay usually employed for anchorage. This, therefore, will form an important part of your survey.

In order that these soundings may lead to a correct knowledge of that part of the bay referred to, and may serve also to indicate at any future time the changes it may undergo from the deposition or removal of silt, shingle, or other matter, it is necessary that they should be taken in straight lines and at known intervals, so that from each line of soundings a vertical section of the bay may be constructed; whilst from the direction of the lines being known, as also their distance from each other, a *ground* plan of the bay, and the corresponding depth of water at any point within the range of the soundings, may be accurately exhibited for the time at which the survey was made.

As it is not unlikely that the commission will discuss, in their report, the feasibility of erecting some structure capable of reducing the peril at present incurred by vessels at anchor in Algoa Bay, during the south-east gales, you will be pleased to extend your soundings westward to that part of the shore where Captain Lloyd, in the plan herewith transmitted, has proposed the erection of a "breakwater or mole."

And as the durability of such a structure depends mainly on its capability of resisting, not only the upward hydrostatic pressure due to the height of the waves to which it will be exposed, but also to the powerful horizontal force generated by its onward motion,—the results of the proposed survey will be greatly enhanced by your ascertaining, experimentally, the height of the waves thrown into the bay during a south-east gale, and the velocity with which they approach the anchorage ground.

The question, as to whether a breakwater, if recommended by the commission, should be isolated or not, being determined chiefly by the risk to which the harbour might be exposed of filling up, from the deposit of silt, sand, or other matter, transported either by the action of the sea or wind, I have to request that you will ascertain, with all practicable accuracy, whether any permanent or temporary current exists in the bay, such as has been found at the mouth of the Kowie and Fish Rivers,—and if so, its direction, and the rate at which it transports floating bodies.

I have, &c.,

JOHN MONTAGU.

Colonial Office, Cape Town, 26th January, 1847.

The Rev. J. ADAMSON, D.D., &c., &c., &c.

20th January 1847.

SIR,—I am, by desire of the Governor, to acquaint you, that His Excellency has been pleased to appoint you to be one of the members of the commission for inquiring into and reporting upon certain matters relating to the port of Algoa Bay, and I am, at the same time, to transmit to you, herewith enclosed, His Excellency's commission for your appointment, accordingly.

I am further to inform you, that His Excellency is aware that your avocations will not enable you to proceed to Algoa Bay before Easter, by which time he hopes Lieut.-Colonel Michell will have returned from England, when he will be enabled to accompany you.

14th January, 1847.

In order to obtain information upon certain points connected with the bay, a letter was lately addressed to Lieut. Jamison from this office, and of which a copy is herewith enclosed for your information.

27th October, 1846.  
3rd December, 1846.

I also enclose herewith two letters I have lately received from the resident magistrate of Port Elizabeth, one of which relates to landing and shipping of merchandise at that port, and the other to the wrecks which have occurred there since the year 1823.

I have, &c.,

JOHN MONTAGU.

His Excellency Lieutenant-General Sir PEREGRINE MAITLAND, K.C.B., Governor and Commander-in-chief of the Colony of the Cape of Good Hope, &c. &c. &c.

To Lieutenant-Colonel MICHELL, Surveyor-General and Civil Engineer; the Rev. J. ADAMSON, Professor in the South African College; W. LLÖYD, Esq., R.N., Resident Magistrate; W. P. JAMISON, Esq., R.N., Harbour Master; and W. FLEMING, Esq., Merchant at Port Elizabeth.

GREETING :—

Whereas it appears, from the reports of highly intelligent and experienced officers of Her Majesty's navy, as also from the statements submitted from time to time for the consideration of Government, by merchants and others residing at Port Elizabeth, and engaged in the trade of that port, that Algoa Bay is capable of great improvements, both as regards the safety of shipping frequenting that harbour, and the facility of transport between ships and the shore,—Now, therefore, in order to ascertain to what extent, and at what probable expense, it is practicable to effect the improvements that have been suggested, or any other which may appear more eligible and advantageous, I have thought it fitting and expedient to nominate and appoint you, and I do by these presents nominate and appoint you, the said Charles Cornwallis Michell, James Adamson, William Lloyd, William Papillon Jamison, and William Fleming, to form and to be a board or commission to inquire into and report to me on the following matters :—

1st. On the existing chart of Algoa Bay, and the degree of accuracy with which shoals, reefs, and sunk rocks, either in the bay or its approaches, are laid down.

2nd. On the physical character of Algoa Bay, as it regards the extent of anchorage ground,—the winds to which it is exposed and the range of exposure,—the height of waves thrown into the bay in heavy gales,—the seasons when such gales are most prevalent,—the currents or other agents capable of transporting sand, silt, or other matter that are found in the bay, either permanently or occasionally.

3rd. The extent of trade connected with this port, and the expense to which it is exposed from the present state of the harbour.

4th. The average amount of life and property annually destroyed from vessels wrecked during the gales from which there is no shelter.

5th. The means by which the safety of shipping can best be secured, and the expenses arising from delay and the present system of communication between ships and the shore either obviated or reduced; accompanying the plans which you are led to prefer with estimates of the probable expense.

And I do hereby authorise and empower you to have access to all documents in the public offices of this colony having reference to your inquiry; and to call upon any of the officers of the civil departments of the Government to communicate to you, either verbally or in writing, as you may consider most expedient, all and any information which any such officer may possess on the subject.

Given under my hand and seal at Cape Town, Cape of Good Hope, this 20th day of January, 1847.

P. MAITLAND.

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Port Office, Port Elizabeth, 14th July, 1847.

His Honour the Lieutenant-Governor,  
Graham's Town.

SIR,—I have the honour to acknowledge the receipt of your letter of the 9th instant, informing me that the Right Hon'ble the Governor has signified his intention of communicating with the authorities at Cape Town relatively to the commission appointed to inquire into and report on the improvements of which Algoa Bay is capable; but previously to doing so, His Excellency desires to be informed of the progress I have made in fulfilling the instructions conveyed to me on the 14th January last by the Hon'ble the Secretary to Government.

I have the honour to inform you, for His Excellency's information, that I have taken a plan of this harbour, assisted by Lieut. Forsyth, when last here, and have prepared such of the information required, so as to enable the commission to go on with their report as soon as His Excellency may deem fit to appoint it; and which I communicated to the Hon'ble the Secretary to Government in a private note, dated January last, and which I beg to annex a copy of that part alluding to it, as also copies of two notes from Mr. Montagu, to Lieut. Forsyth and myself, on the subject of the proposed survey of this bay,—for your information.

If it is still the intention of His Excellency that a fresh survey of this bay be made, I should humbly suggest that Lieut. Forsyth (if he can be spared), "if not," an application be made to the Admiral for an officer, or one of the vessels of war, to survey Algoa Bay: and I must candidly tell you I do not feel competent to undertake it by myself, nor have I the necessary instruments; and, in fact, all surveys, more particularly harbours and bays, should have two persons, so that they may be a check upon each other; and as Lieut. Forsyth has been brought up in the surveying branch in the navy, it would enhance its value much.

I have, &c.,

W. P. JAMISON, Harbour Master.

*Extract of a Private Note.*

Port Office, Port Elizabeth, January, 1847.

The Hon'ble JOHN MONTAGU, Cape Town.

"You mention in your official letter that it is His Excellency's intention to appoint a commission to inquire into the practicability of rendering this harbour more safe for vessels resorting to it. Having heard some time ago that it was His Excellency's intention of doing so, I have prepared a plan and survey of that part of Algoa Bay, assisted by Lieut. Forsyth, when here on his way to Waterloo Bay; and which will facilitate the commission to go on with their report, as soon as it may please His Excellency to appoint it.

"The extent of survey ordered for this bay will take at least six weeks to complete,—that is to say, taking into consideration the general average weather prevalent here; but I must add, that I do not feel competent to undertake so very important an undertaking by myself. And, in fact, all surveys, particularly harbours and bays, should have two persons, so that they may be a check upon each other. In the mean time, I have written to Lieut. Forsyth, acquainting him that I have written to you, asking you to obtain the Admiral's sanction."

Believe me, &amp;c.,

W. P. JAMISON.

Colonial Office, Cape Town, 2nd February, 1847.

To Lieut. FORSYTH, R.N., Waterloo Bay.

MY DEAR SIR,—I have to acknowledge and thank you for your letter of the 24th ultimo.

I think you had better not leave Waterloo Bay at present, as there is no immediate hurry for the survey of Algoa Bay, as the board appointed to report upon it cannot meet there until Easter. As soon as Sir H. Pottinger has been at Waterloo Bay, and has seen you, and you find your presence can be spared from the bay for a short time to assist Lieut. Jamison, if you will write to me again I will then communicate with the Admiral, and will inform you at what time you can proceed to Algoa Bay.

Believe me, &amp;c.,

JOHN MONTAGU.

Cape Town, 16th January, 1847.

To Lieut. JAMISON, R.N., Port Elizabeth.

MY DEAR SIR,—My official letter, requiring you to make a survey of Algoa Bay, may impose upon you a task you may not have the instruments by you to accomplish; or it may have other difficulties you are not in a position to overcome. If anything of this kind should be the case, I feel no doubt that they would be removed by Lieut. Forsyth from Waterloo Bay, if you were to request his aid, and he could arrange to leave his station for a short time,—which I imagine, he could easily do. I am much interested in this undertaking, and hope you will give it your early attention.

Your's sincerely,

JOHN MONTAGU.

17th July, 1847.

Lieut. Jamison reports that the commission may proceed to report on the capabilities of Algoa Bay for improvement. He has made, with Lieut. Forsyth, a partial survey, which will be of use to the commission. To complete a survey in the requisite full manner, viz., from Cape Recife to Point Padron and the Bird Islands, the services of Lieut. Jamison and Lieut. Forsyth would be necessary; and still more so a vessel of war, under the Admiral's orders.

H. E. F. YOUNG.

Colonial Office, Cape Town, 24th July, 1847.

The Secretary to His Excellency Rear-Admiral DACRES.

SIR,—In transmitting to you the accompanying letter from His Honour the Lieut.-Governor, with its enclosures, respecting a commission which has been appointed for inquiring into, and reporting on, certain matters relating to the port of Algoa Bay,—I am directed by the Right Hon'ble the Governor to request you will submit this correspondence to His Excellency Rear-Admiral Dacres; and at the same time ascertain whether he would be enabled to provide a ship of war, and an officer of the squadron under his command, to assist in the survey of that bay.

I have, &c.,

JOHN MONTAGU.

Admiralty Office, Simon's Town, 28th July, 1847.

The Hon. J. MONTAGU, Esq.,

Secretary to Government, Cape Town.

SIR,—In return to your letter of the 24th instant, I am desired by the Rear-Admiral Commanding-in-Chief to acquaint you, for the information of the Right Hon'ble the Governor, that at present there is not any one of Her Majesty's ships on this station available to assist in the projected survey of Algoa Bay; but that, in the event of a vessel becoming available for this service, His Excellency will give the request contained in your letter his best attention.

I am further desired by the Rear-Admiral to inform you that there are not any instruments at his command necessary for a survey requiring so much accuracy as the one intended; such being only allowed to H. M. ships specially appointed to surveying duties; also, that the only officer on the station believed to possess the necessary experience and qualifications for undertaking the superintendence of such a survey, is Lieutenant Forsyth, and that in the event of its being considered expedient to employ this officer on the said service, arrangements will be made, if possible, to provide another officer to perform his duty at Buffalo River during his absence therefrom.

The enclosures to your letter are herewith returned.

I have, &c.,

H. P. D. CUNNINGHAM, Secretary.

29th July, 1847.

The Right Hon'ble the Governor.

Submitted for the Governor's information.

JOHN MONTAGU.



*Documents relative to the question of a Separate Government for the Eastern Districts of the Cape of Good Hope.*

Graham's Town, June 23, 1847.

His Honour Sir HENRY E. F. YOUNG, Kt.,  
Lieutenant-Governor.

SIR, — With reference to my letters of the 15th, 19th, and 31st of last month, I have now the honour to forward, for Your Honour's persual and information, a number of extracts and copies of the despatches received from Cape Town, connected with the relative authority of the Governor and Lieutenant-Governor of the colony, as regards the eastern provinces; also two minutes drawn up by the Executive Council, in answer to references which I had made to that honourable body, in consequence of your letters to me of the 10th, 17th, and 25th of May.

These papers have been with me for the last week, but it is only to-day that I have been able to spare time to look into them with the requisite attention.

I have risen from a perusal of them with the conviction that the office and powers of Lieutenant-Governor, as at present constituted and constructed, are not only incompatible with an efficient discharge of his high functions, but that they are placed, partly by a want of clearness and a certain degree of contradiction in the original instructions, and partly by the practice that has unavoidably obtained owing to that indistinctness, on a footing that ought, I think, to be inquired into and explained as speedily as practicable; seeing that it has made the provision for a separate and distinct Government in the eastern division of the colony a dead letter, and left the Lieutenant-Governor with merely nominal power.

The anomalous position which the Lieutenant-Governor held appears to me to be so clearly and candidly set forth in Sir Peregrine Maitland's despatch, No. 149, of the 20th of October, 1845 (which forms one of the series of documents now forwarded), that I feel that I can add nothing to his observations. The Lieutenant-Governor may be understood to be allowed the free and uncontrolled exercise of all patronage in the eastern districts; he may submit his views as to the estimates before they are laid on the Council table, and he may recommend measures which he considers to be calculated to promote the prosperity of the portion of the colony under his charge; but so long as all these proceedings are not only subject to the control and revision of the Governor-in-Chief, but to be carried out on his responsibility, assisted by the Executive and Legislative Councils (when their aid may be required to give effect to them), it is clear that the reality of a separate and distinct government is at an end, and (as Sir Peregrine Maitland states) "this inefficiency of the inferior office seems to grow naturally out of its peculiar relations to the general government of the colony."

I can quite enter into the feelings of the people of the eastern division in their wish to have a share in their own government, like those of the western districts; and that might, I conceive, to a certain extent, be provided for by an increase to the number of the members of both Councils, and some of them being selected from the eastern districts. But it seems far more than doubtful whether any persons in this part of the colony could be found willing to devote their time and attention exclusively to that object; and my personal observation and inquiries lead me to believe that any form of representative government that it might be resolved to try would, at the outset, prove a failure from the same cause, combined with the additional, and, as I think, insurmountable difficulty of getting the people to agree in electing and deputing representatives.

Admitting that the preceding remarks are correct, the only other course that offers itself at this instant to my consideration, is, that of the Lieutenant-Governor being placed with an Executive Council, and the other requisite establishments

(to which your letters particularly refer), in the same position as the Governor-in-Chief. This would put the eastern districts in the same light to the central Government at Cape Town as the subordinate presidencies of India bear to the supreme Government at Calcutta, which has alone the power of legislating, and a nearer instance of which may be adduced in the present arrangements for the management of Natal. But allowing that all other obstacles and objections could be anticipated and removed, I am apprehensive that the expense would prove a cogent barrier to such a plan.

I confess I do not attach much, if any, weight to the assurances of the population of the eastern districts, that they will be ready to pay the additional expense of a separate Government, because my short experience has forced on me the conviction that in no part of the world do local party feelings and prejudices prevail to a greater degree than in this colony; and it would be altogether premature to recommend the adoption of such a scheme, on the information now before us. I see, however, that Mr. Gladstone, in his despatch, dated the 17th of April, 1846 (which is one of the series), directed my predecessor to institute certain inquiries, with the aid of the Executive Council; but as it is perfectly impossible that I can at this moment carry that instruction into effect, and as Your Honour, from being on the spot, will at least be able, without trouble, to ascertain the real objects of the petitioners in their memorials to the Queen, I beg to recommend that you should take an opportunity of consulting with the most influential and best-informed of the petitioners, in order to ascertain their views to the extent pointed out in Mr. Gladstone's despatch.

Those views, together with your own opinions on them, and, in fact, your general ideas on the whole subject under discussion, I shall be glad to receive; and I will transmit them, through the medium of the Secretary to Government, (that he may lay them before the Honourable the Executive Council, for any further observations which the members may wish to offer), to the Right Honourable the Secretary of State, for his consideration and commands.

I think that it will be desirable to obtain the information above referred to in writing, both because it will probably be more satisfactory to the Right Honourable the Secretary of State, and because it will prevent any future misunderstanding as to the wishes and meaning of the petitioners.

I have, &c.,

HENRY POTTINGER.

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### CIRCULAR.

Cape of Good Hope, Eastern Districts.

Government Office, Court House,  
Graham's Town, 26th June, 1847.

SIR.—In December, 1845, there was forwarded to Her Majesty in Council a petition from the agriculturists, merchants, landholders, and other inhabitants of the district of Albany, praying that more liberal institutions should be conceded to the eastern districts; that enlarged powers and an independent jurisdiction in all matters connected with the administration of the districts should be conferred on the Lieutenant-Governor; and in January, 1846, there was also forwarded to Her Majesty in Council a petition of the Uitenhage and Albany Agricultural Association, recommending the appointment of such an additional number of functionaries, in connection with a responsible and independent head, as would impart to the Government of the eastern districts the vigour, stability, and efficiency of which it stands in need.

With the concurrence of His Excellency the Right Honourable the Governor, I take leave to address myself to you, in order to obtain such support of the allegations and prayers of these petitions as your local knowledge, experience, and stake in the eastern districts qualify you to afford.

The Secretary of State, under date the 17th April, 1846, states that in deliberating on the advice which it might be proper to tender to the Queen on the subject to which these petitions refer, he has been impeded by a deficiency of information, and that it is not ascertained by any information transmitted from hence, whether, if the evil really exists of an absence of representation in the local legislature of the wants and wishes and rights of the eastern districts, that evil admits of any effectual remedy which would be consistent with the maintenance of the central government and legislature at Cape Town.

The Secretary of State further observes, that the petitioners demand various new establishments, but they do not explain the nature of them, nor have they framed any estimate of the expense attendant on such an innovation; and that whenever Her Majesty's Government are in possession of the requisite information they will then be far more competent than at present to approach and decide the main question.

The Secretary of State also adds that it seems possible that some compromise might be found between the absolute centralization of all local government at Cape Town, and the establishment of what would virtually be a separate colony, having the seat of government at Graham's Town; and that, without undertaking to assert that such an arrangement could be made, he is at least unable to assert with confidence the impracticability of such a compromise.

I feel it my duty to add, for your information, that the following statement has been recently submitted to my notice, as constituting conclusive proof that the eastern province cannot at present afford to maintain a separate government, viz:—

Statement of the Revenue and Expenditure of the two Provinces for the years 1846, 1847, and 1848.

1846.

Actual revenue for 1846, collected in the western province.....	£150,708
Do. do. in the eastern province.....	43,448

Actual Expenditure in 1846.

For the general government, and common to both provinces.....	£89,613
Expended for local departments, &c., in the western province .....	34,745
Expended for local departments, &c., in the eastern province.....	26,186

1847 and 1848.

Estimated Revenue for	1847	and	1848.
To be collected in the western province.....	£119,116	...	£131,137
To be collected in the eastern province.....	40,507	...	39,210

Estimated Expenditure for	1847	and	1848.
For general government, and common to both provinces	£65,969	...	£71,741
Local departments in western province.....	56,749	...	61,066
Local departments in eastern province.....	39,135	...	43,108

It has also been represented to me that the establishment in the eastern districts of a Registrar of Deeds' office, a Surveyor-General's office, and a board for the care and maintenance of public main roads and bridges, are not necessary or expedient—the objects to be attained by such institutions being sufficiently provided for under the existing central Government at Cape Town.

For the purpose, then, of instituting that copious inquiry which the importance of the subject requires, I have written to invite the evidence of the other influential and well-informed colonists of the eastern districts, whose names are noted on the margin. I shall be prepared to receive your written report, and theirs, either individually or collectively, as may best suit your mutual convenience; and I beg to add, that if, for the purpose of preparing and maturing your report, it shall seem to you expedient to meet and confer with each other, and with me, at Graham's Town, I shall be happy to do all in my power to facilitate the objects of such a meeting.

You will oblige me by understanding, that in selecting the names mentioned in the margin, my recent acquaintance with the province may have led me inadvertently to omit reference to others of the colonists and petitioners equally

Sir Andreas Stocken-  
strom, Hart, Pringle,  
Nourse, Collett, Wain-  
wright, Trollip, Joubert,  
Van der Walt,  
Stokes, Meintjes, Pap-  
penfus, Van der Merwe,  
Naude, Pretorius,  
Southey, Brooks, Gris-  
brook, Blakeway, Bo-  
vey, Vowe, Gilbert,  
Bowker, Heugh, Van  
der Riet, Lungley,  
Fleming, Chase, Fair,  
Maynard, Wienand,  
Thompson, Joseph,  
Pohl, Rice Smith,  
Hutchinson, Kirk-  
wood, Dr. A. Camp-  
bell, Jarvis, M. B.  
Shaw, Blaine, S. Hart-  
man, Robson (Kaga),  
Tancred, Hadley.

competent to benefit me by their evidence and counsel, and that if any such omission occurs to you, you will do me the favour to rectify it by assuring the parties of my willingness respectfully to receive and attentively to weigh any statement bearing on the subject which they may be disposed to favour me with in writing.

I cannot, however, too plainly and firmly assure you that my participation in the discussion will be scrupulously limited to a conscientious balance of the evidence adduced, without any feeling of partizanship in favour of the independence of the eastern province government, or any antagonism against the form of the existing central government at Cape Town; and that this disposition of mind, which official duty cogently enjoins on me, will, I trust, be equally cherished and acted on by you from motives of enlightened patriotism.

I have, &c.,

H. E. F. YOUNG, Lieutenant-Governor.

Uitenhage, July 2, 1847.

To Sir H. E. F. YOUNG, Lieutenant-Governor  
of the Eastern Province of the Cape of Good Hope.

SIR,—I have the honour to acknowledge the receipt of your (circular) letter of the 26th ult., and will proceed to submit my sentiments upon the several topics it embraces in the order in which they occur.

In common with, I believe, the whole of the inhabitants of the eastern province, I regard it as an evil that the seat of Government should be placed, not merely in the other province, but at its extreme end. I do not believe that a government at a distance of six or seven hundred miles does, or possibly can, understand and appreciate our wants and wishes as correctly as a government on the spot would do. And then it should be borne in mind, that although in some respects the interests of the several portions of the colony are identical, yet, in many supposable cases the interests of one locality may be in a considerable degree opposed to those of another, or others. Take, for instance, the construction of public works. If good roads are made or safe harbours formed in one part of a colony, the consequence will be to draw into one channel much of the traffic that flowed before through many smaller ones, and to enrich one portion of the colony at the expense of others less favoured. If they, too, have to contribute their quota to the fund from which such improvements are made, they will consider themselves as having additional cause of complaint. And, speaking hypothetically, it is scarcely consistent with a knowledge of human nature to suppose that a government, constituted like our legislature, residing permanently on the same spot, and that situated with regard to the rest of the colony, as Cape Town is, the members of which mix more or less in the society of their neighbourhood, can altogether escape being infected with its local prejudices and predilections. They are likely to come under the influence of a bias, not the less powerful because unsuspected by themselves, and under a temptation to attach a greater relative importance than is due to the province they inhabit, as compared with the other, which is remote, and with regard to which they are necessarily less perfectly informed.

Believing, as I do, that it would be of the greatest possible advantage to this province to be erected into a separate colony, with its own legislature, I lament my inability to show that the state of its resources enables it at present to support the necessary additional expenses that must be incurred. If this should be done by any of the other gentlemen your Honour has addressed upon this occasion, no one will rejoice at it more than I shall do. An inspection of the amount of the exports and imports of the province for the last ten years will show that, until the occurrence of the Kafir war, it had been advancing rapidly in prosperity, and gives promise that any obstacle, arising from an insufficient revenue, to its

enjoyment of a separate government, legislative as well as executive, will, in a very few years, cease to exist. Meanwhile, I submit that it would strongly impress the minds of the inhabitants of the province with the favourable intentions of the Imperial Government towards them, and reconcile them to the delay (if needful), if it were explicitly announced that this boon will be conceded to them as soon as the state of the revenue will allow of it. I do not believe that the addition of a member or two from the eastern province to the Council in Cape Town would be attended with any important results.

I beg entirely to dissent from the opinion that the establishment in the eastern districts of a Registrar of Deeds' office, a Surveyor-General's office, and a board for the maintenance of public roads and bridges, is not necessary or expedient. If an inhabitant of the eastern province purchases a farm, he has in the ordinary course of business to appoint an agent in the province, who has *his* paid agent in Cape Town. The affair seems to me needlessly complicated at present, and delay, inconvenience, and expense are occasioned, which might, in part at least, be avoided if the registration took place in Graham's Town. In the latter case, the intervention of an agent would in many instances be dispensed with, and more than one would, I apprehend, in no case be needed. I have no doubt that this change would be highly popular; as would also the establishment of a Surveyor-General's office, by which, probably, the public business in that department would be considerably expedited.

With respect to a board for the care and maintenance of public main roads and bridges in the eastern province, I think that also highly desirable. The landowners of the province have now for some years paid annually a road rate of a penny in the pound for the construction and improvement of roads and the building of bridges. A large majority of them, however, are obliged to turn to the newspapers for a knowledge of what has been effected. The main road from the principal port of the province to its metropolis is for the most part a mere wagon track—in some places almost impassable in wet weather. Bridges are not yet thrown over the rivers; and one of them (Sunday's River), when swollen by heavy rains, opposes, sometimes for a week together, or longer, an effectual barrier to the progress of the numerous wagons detained on its banks. I think the appointment of a board in and for this province alone would lead to the expenditure of the road rates where they would be most beneficially laid out, so as in a higher degree to promote the prosperity of the province than has hitherto been the case.

I have, &c.,

F. O. HUTCHINSON.

Baviaan's River, Somerset District, 9th July, 1847.

To His Honour Sir H. E. F. YOUNG,  
Lieut.-Governor of the Eastern Province of the  
Cape of Good Hope.

SIR,—Respectfully availing myself of the invitation contained in your circular, dated 26th June, I will preface the few remarks I may venture to submit for Your Honour's perusal, by stating that I am one of the settlers who came to this colony in the year 1820; since which I have resided partly in Cape Town, Graham's Town, and for upwards of the last ten years on my present farm, engaged in sheep-farming. My stake in the colony is a farm of nearly seven thousand acres, a flock of sheep, which the present war has reduced from upwards of 4,000 to something under 3,000; that I am a married man, and have six children.

In reference to the important question alluded to in the leading paragraph of Your Honour's circular, I am of opinion that the chief advantage expected by the petitioners to be derived by "enlarged powers and an independent jurisdiction, in all matters connected with the administration of the eastern districts,



being conferred on the Lieut.-Governor," was that, in the then unsettled state of the frontier, in consequence of the continual depredations of the Kafirs, and the increasing hostile attitude which the petitioners conceived they could observe the Kafirs were assuming, had the chief authority on the frontier been empowered and expected to act on his own responsibility, and wholly independent of any necessity of referring to the Central Government in Cape Town how to act, in case of any emergency arising for prompt and vigorous measures being adopted, and which emergency the long experience and knowledge of the Kafir character possessed by many of the petitioners led them to believe was fast approaching, the calamity of a Kafir invasion never would have occurred.

The possession of such powers by the chief authority on the frontier was thought likely to be far more available, either to avert an approaching danger, as also for adopting such measures as might render an evil, when no longer avoidable, less injurious in its effects; and that such an idea was reasonable I have no doubt Your Honour will admit, when contrasted with the alternative, that the time necessary to travel over 1200 miles must elapse before the steps to be taken could be known, or being taken, could be considered irrevocable. In addition, the impression is universal in the minds of all who have had any experience in observing the effects on the minds of the Kafirs of the working of the system heretofore in operation, that no authority which the Kafirs consider to be of a deputed character is regarded with that deference which they pay to the one from whose decision they consider there is no appeal. Plausible reasons for this might be assigned, but I deem it sufficient to state that there can be no doubt of the fact. The war having, however, taken place with its attendant evils—to the Home Government, serious, from the immense expense entailed, and to the frontier colonists, partially ruinous—whether, under the most favourable settlement that can be anticipated, and under the direction of Her Majesty's High Commissioner that it will be as favourable as human wisdom, supported by ample powers, can be expected to effect, I, as an individual, feel satisfied of;—whether, I say, the arguments hitherto advanced in favour of such a change in the government of the eastern districts being made, will not receive very great additional strength, public sentiment on the frontier, I have no doubt, will be unanimous upon. And I here beg to express my confidence, that should Her Majesty's High Commissioner and Your Honour deem such a change expedient, and recommend to Her Majesty's Government such change being made, I have no fear, notwithstanding the financial difficulty at present existing, as exhibited in the statement of revenue and expenditure of the eastern province, but that, should Her Majesty's Government accede to such recommendation, the means for carrying out the same will be provided for on equitable principles of enlightened justice.

With respect to the additional number of functionaries petitioned for, the only inconvenience that I have felt, and which in my case arises more from the distance I live from the seat of magistracy, than from any want of time or inclination on the part of the only constituted authority at present in the district to attend to matters brought to his notice; but residing myself 30 miles from the court of the resident magistrate, and many persons at a much greater distance, the consequence is, that unless offences are of a highly criminal nature, they are generally passed over, to a gradual declension of character in our servants; as from the constant impunity they experience under misbehaviour and for petty offences, they are yearly becoming more disobedient and dishonest. This, I conceive, is not asserting anything more unfavourable of the class we are obliged to employ than would be applicable to any other description of persons, virtually released from the wholesome restraints of the law. Our losses in stock in the course of the year by vagrants are enormous. This is an evil, also, that the inhabitants who live at a long distance from the magistrate's court are exposed to, and have no means in their power to check; but which the establishment of a periodical, if not a permanent, court of justice, sitting within reach, so that a complainant might be enabled to go to the court and return to his home the same

day, would, I think, go a great way to remedy. The creation of an additional magistrate for each district would, doubtless, be necessary, armed with powers fully equal to those possessed by the resident magistrate at least. The want of constables in the country parts is also much felt, for the purpose of apprehending offenders, and conveying them to jail. The expenses for providing such additional security to farmers and others must of course be expected to be borne by those who derive the benefit, and who, in the result, would be considerable gainers, if their present losses should be thereby diminished.

The impediment the Secretary of State experiences from deficiency of information on the representation question is a difficulty I trust others, better qualified to do so than myself, will endeavour to remove. On the general question, however, I trust I may be excused in remarking, that should a case occur wherein the interests of the two provinces might clash, the non-official members of Council all having a stake in the western and none in the eastern province, I may, without disrespect, entertain a fear that a bias might operate to the disadvantage of the eastern province.

With respect to the question as to whether "a Registrar of Deeds' office, a Surveyor-General's office, and a board for the care and maintenance of the public main roads and bridges, be necessary in the eastern province?" I can vouch for the fact that much confusion exists, arising from the seeming inaccuracy in the diagrams of several farms in this neighbourhood, and which is a constant source of irritation between the proprietors; and which state of things is not likely to terminate without the assistance of a competent officer of the Surveyor-General's office being appointed to adjust the disputes between the parties. That a permanent Surveyor-General's office on the frontier is necessary, is a question I am not competent to offer an opinion upon.

That some efficient board connected with the road establishment is necessary is a general opinion, in order to ensure a fair appropriation of the funds collected in the eastern districts to their proper object, and which, it is thought, has not hitherto been the case—that is, as to the locality on which the said funds have been expended.

There is one other topic which, although not alluded to in Your Honour's circular, I will take the liberty of offering a remark on. I mean the ordinance now before the Council for amending the pound and trespass laws, and which ordinance, I beg to state, is, in my humble judgment, calculated to amend a state of things that has long needed the interference of the legislature, and that with the principle of which, as also with its details, with one or two exceptions, which might be altered without interfering with the principle, I cordially agree. I have ventured to express my opinion on the subject, it being an ordinance that more particularly concerns landed proprietors,—deeming it possible Your Honour might wish to know the feeling entertained by the farmers with regard to it.

In conclusion, I beg to say that I have been induced to respond to the invitation contained in Your Honour's circular, more from a desire to mark the sense I entertain of the liberal and candid tone in which Your Honour has condescended to address the colonists, than from any idea that I can have afforded anything new or valuable in my remarks.

I have, &c.,

G. F. STOKES.

Graham's Town, 9th July, 1847.

To His Honour Lieutenant-Governor

Sir H. E. F. YOUNG, &c. &c. &c.

Sir,—I have the pleasure to enclose for Your Honour's information a copy of the proceedings of the public meeting held this day by your permission, at the Court House; and remain, &c.,

CHARLES MAYNARD, Chairman.

*Copy of Resolutions passed at a Public Meeting, held at Graham's Town  
on the 9th July, 1847.*

Proposed by Mr. W. Wright, seconded by Mr. W. Ogilvie, supported by Mr. R. Godlonton, and carried unanimously—

That His Honour the Lieutenant-Governor, having issued a circular, addressed to several inhabitants of the eastern districts, calling their attention to petitions which the frontier inhabitants have addressed to the imperial government for the establishment of more liberal institutions, and of a separate and distinct government; and requiring from them the necessary statistical information, in order to show how far they are able to support such government; and it appearing to this meeting that the enquiry thus made involves subjects of vital importance to the interests of the eastern province, they consider it necessary that immediate measures should be taken to furnish the information which His Honour the Lieutenant-Governor has thus required.

Proposed by Mr. G. Jarvis, seconded by Dr. J. Atherstone, and supported by Mr. B. Hadley,—

That, in the opinion of this meeting, it is highly desirable that the eastern districts be constituted a separate and distinct government, irrespective of Kafirland; but that, in order to obtain such statistical and other information as may be necessary to show the expediency of such a measure, it is desirable a committee of thirteen gentlemen be elected—the object of such committee being to receive and collate such information as may be obtained, and to prepare a report thereon, to be submitted to His Honour the Lieutenant-Governor, for the information of Her Majesty's government.

Proposed by Mr. T. H. Bowker, seconded by Mr. Rice Smith, and supported by Mr. T. Nelson—

That the best thanks of this meeting are due and be presented to His Honour the Lieutenant-Governor, for the opportunity now given to the inhabitants of the eastern districts for an expression of their opinion upon so important a subject.

Proposed by Mr. J. Temlett, and seconded by Mr. L. H. Meurant—

That this meeting now proceed to elect by ballot a committee of thirteen gentlemen, in terms of the foregoing resolution, and that Messrs. J. Walker and T. Nelson be requested to act as scrutineers.

Moved by Mr. T. King, and seconded by Mr. ———

That Mr. C. Maynard be requested to vacate the chair, and that Mr. G. Jarvis be requested to take it.

Moved by Captain Lungley, and seconded by Mr. Meurant—

That the thanks of this meeting be given to C. Maynard, Esq., the chairman, for his great attention to the business of the meeting.

The scrutineers returned the following names as having been duly elected as a committee :—

C. Maynard, G. Jarvis, W. R. Thompson, B. Hadley, H. B. Rutherford, J. Walker, P. W. Lucas, H. Blaine, R. Godlonton, W. Wright, L. H. Meurant, W. Ogilvie, Dr. J. Atherstone.

*Proceedings at the Public Meeting held at Graham's Town, 9th July, 1847, on  
the subject of separate and independent government*

(Extracted from the *Graham's Town Journal*, July 17, 1847.)

Mr W. WRIGHT, on being called on to move the first resolution, spoke as follows :— Mr. Chairman— The great importance of the subject which calls us together, makes me almost shrink from the task of moving the first resolution; but still I feel the importance of the subject demands that I should take some part in the proceedings, and more particularly as I have a great stake in the frontier districts. I have a large interest in landed property, and a still higher one in a large and rising family. I may be accused of egotism, but having stated that I have a large interest in landed property, I beg leave to add that that interest extends to upwards of 60,000 acres of land, besides considerable property in houses in Graham's Town, and other towns in the eastern districts, acquired by

hard labour and industry. This stake gives me, I feel, an influence to a certain extent, but it also entails upon me a responsibility as to how I use it for the interest of a numerous family, whose future destiny I consider is in a great measure depending upon the part I take with you this day, in either promoting or retarding the work in which we are engaged. Sorry should I be were any sinister motive of my own, or anything that might seem to tend to my own advantage only, to lead me to use the influence which property gives me to the injury of those I must leave behind me. But so far from this being the case, you will allow me to say that it is this weight of responsibility resting upon me, and upon us all, which induces me to come forward to avail myself of the opportunity presented to us by a liberal and enlightened Government, of showing that we have the means and are able and willing to take the management of our own affairs under a distinct and separate Government. I am, and always have been, a lover of liberal institutions and political independence, and for many years I have had no other view than that we ought to have the management of our own affairs. I told them in Cape Town many years ago, that we were perfectly independent of them. We have several public institutions now amongst us, which I venture to say are as well managed as any at the west end of the colony;—and why not? People that know how to earn, know best how to spend what they work hard for. Now, I maintain that it is impossible, and I would like to know if there is anybody that will undertake to show, that the eastern districts, or any other place situated in the same way, can ever rise to any degree of eminence, while governed, as it is, with the Imperial Government at 6000, and the local Government at 600 miles from the people whose affairs they manage? Our case, however, resolves itself into mere matter of calculation, and for my part I am not afraid of the issue. I am persuaded that the statistical accounts, which will be made out by this and the other districts will clearly show that we are well able to manage our own affairs; and maintain a distinct and separate Government,—wishing it, however to be understood, that in moving the first resolution, I do so with the conviction that the eastern province will have nothing to do with Kafirland, whose affairs ought not, in my opinion, to be involved with those of the colony, but to be made a subject of distinct and separate arrangement by the British Government.

Mr. GODLONTON remarked, in supporting the first resolution :—That it had often fallen to him to assemble with and address his fellow-colonists in public meeting, but on no previous occasion had he presented himself before them under so deep a conviction of the importance of the occasion as that on which they were then convened. He hailed that occasion with more than ordinary satisfaction, inasmuch as it involved, and would bring to issue, questions connected with those great constitutional privileges, which he, as an Anglo-Saxon, had ever cherished as his birthright; and he had yet to learn that a removal from one part of the empire to another vitiated that right, or in any manner destroyed his fair and legitimate claim to those benefits, political and civil, which were the common property of every British subject. The causes which had originated that meeting had been stated to them in the “circular” that had been read by the chairman. The case was simply this,—they had asked for free and independent institutions—for distinct and separate government—and the Colonial Minister had so far acceded to their prayers as to appoint a Lieutenant-Governor to administer their affairs; at the same time holding out a hope that everything asked for would be granted, with, however, this reasonable proviso—that they would show they were prepared efficiently to discharge those duties which must, by the proposed arrangement, as a matter of course, devolve upon them. He would not for a moment suppose that there were any present so poor in spirit as to shirk from that responsibility—who, having asked for certain concessions, would, when they were offered, refuse with childish waywardness to accept of them. Holding these views, he anticipated that perfect unanimity of feeling in that meeting, which would convince all of the earnestness with which they entertained the questions proposed to them, as well as the determination with which they were resolved to embrace the oppor-

tunity now presented of placing the affairs of that province upon such a basis as should conduce to the growing prosperity and future security of all concerned. In the circular of the Lieutenant-Governor which had been read to them, a reference was made to a petition to the Queen in Council from the inhabitants of that town and district in December, 1845. A copy of that petition he held in his hand, and as many might probably have forgotten the precise terms of that document, it would not be irrelevant to read a clause or two of it, for the purpose of refreshing their memories. It ran thus:—

That petitioners beg humbly to state their conviction to Your Majesty in Council, that besides the great importance of the relations with the native tribes, the eastern province of this colony has—from the rapidly increasing value of its commerce, the amount of its exports of raw produce to the parent country, and particularly of fine wool, the value of which this year will amount, it is calculated, to £100,000 sterling; its large consumption of British manufactures; the greatly augmented amount of capital invested in buildings, machinery, stock, and improvements of various kinds; together with the great extent of the province, the amount of its population, and the growing intelligence of the community at large—a just claim to the presence of an officer with a SEPARATE AND INDEPENDENT JURISDICTION, who shall be charged with the welfare of the settlement, and empowered to adopt those measures which, sanctioned by Your Majesty, may best conduce to its permanent prosperity, the extension of British interests, and the maintenance of the honour of Your Majesty's crown and government.

That petitioners have deemed it expedient to append to this their humble petition, for the information of Your Majesty in Council, and in support of their allegations, returns showing the amount of population of this province, its geographical area, its annual exports of raw produce to the British markets, and its yearly imports of British manufactured articles. Petitioners humbly trust that these returns, with the other allegations set forth, will indisputably show that they are entitled to that consideration which they now most earnestly pray may be shown them, by conceding more LIBERAL INSTITUTIONS than heretofore enjoyed by this province, and investing the Lieutenant-Governor with INDEPENDENT and enlarged powers, enabling him to act upon his own responsibility with that promptitude and decision, which petitioners are persuaded will tend most effectually to uphold Your Majesty's Government—afford the best chance of security to all classes—and advance most effectually the political, social, and commercial interests of this valuable portion of Your Majesty's dominions.

The *addenda* referred to in the extract he had just read, were tables, showing the population of the eastern province (65,633 souls); the shipping returns from Port Elizabeth for 1845, amounting to 19,626 tons inwards, and 18,754 outwards; the value of *imports* for that year £149,183, and of exports £142,372, —with a comparison of the staple produce exported from the two provinces during the same period. Here then was their request, and which he might be permitted to say was not a novel one, it being the mere reiteration of prayers which had in previous years been importunately urged upon the attention of the Home Government. The British settlers who founded the district of Albany in 1820, came to the colony expecting to enjoy the full privileges of their fatherland; and hence, as early as 1823 they complain, in a petition to the Home Government, of the disadvantages under which they laboured from having the Executive Council in Cape Town. The following year, namely, in 1824, the Commissioners of Inquiry appointed by the British crown came to that province—men of high character and of eminent abilities,—and after the most diligent and laborious research, the most searching inquiry into the circumstances of the colony, and its actual and probable resources,—after weighing every fact making for and against the questions brought under their consideration,—these gentlemen at that early period recommended, as being essential both to the security and prosperity of the province, that separation which the parties concerned were now, after a lapse of more than twenty years, still labouring to obtain. In the report made by these eminent individuals, and which must be characterised as one of the most able and important state papers ever submitted to the British Government, were the following passages:—

The early impression that we received of the embarrassment to which all measures both of executive and judicial authority were liable, from the great extent of territory that the colony includes, having been confirmed by longer experience and observation, we felt much satisfaction in learning that the measure which we had the honour to suggest of separating the government of the eastern and western portions of it, had received His Majesty's approbation. It was manifest, indeed, that a measure of this kind had become necessary, from the increased pressure of business



and correspondence with the remoter districts on the frontier, occasioned by the settlement of the English emigrants, the importance of applying some uniform and consistent principle to the intercourse of the colonists with the Kafirs and other tribes, of preventing their collision, and checking the desultory warfare that has prevailed along a considerable portion of the frontier.

But the Commissioners of Inquiry not only remark that this separation of the two provinces had been *approved* by the Home Government, but they state unequivocally that the KING had commanded the separation to be made. Thus they observe in their report :—

His Majesty having been graciously pleased to direct that the civil government of the two provinces should be kept distinct and independent of each other, except on any extraordinary occasion, or in the event of any unforeseen emergency, we shall take an opportunity of suggesting such measures for carrying this arrangement into effect, as we have judged necessary for the due exercise of the SEPARATE AUTHORITY IN EACH PROVINCE, commencing our observations with those that we conclude must be common to both.

This, be it remembered, was the instruction given in 1824, since which period the province had been twice overwhelmed by an irruption of the Kafir tribes, and he put it to that meeting, and to every man of experience in the country, whether the probabilities were not, that if that separation had taken place, and the inhabitants had had that fair influence upon the measures of government to which they were entitled, the British government would not have been saved from the expenditure of at least two millions of money, and the colonists from those calamities which, from such neglect, they have been called to suffer? (Great applause.) The commissioners of inquiry propose an *Executive Council* for the eastern province, in the following terms :—

In the formation of the council for the eastern province, the means of selection are more limited ; but adhering to the same principle that has been adopted by Her Majesty's government, to the formation of the council of the western province, by the appointment of the principal officers of the civil and military departments, and reserving the exercise of a full discretion in the choice of their successors, we should recommend that the number of members should be four, the commandant of the frontier or officer next in command of the troops being included, if he should possess the rank of Lieutenant-Colonel, with three of the principal officers of the civil departments.

Sensibly alive to the importance of maintaining the peace of the colony, "the Commissioners of Inquiry" make the following prudential suggestions :—

From the injurious consequences that have attended the expensive wars in which the colonial government has engaged for the protection of the country from the Kafirs, we conceive that no offensive hostilities whatever should be allowed to take place along the frontier of the colony, without the concurrence of the Lieutenant-Governor, and of the majority of the council in the eastern province ; and that war should not be declared against any of the independent tribes, by which the resources of the colony at large might be necessarily called forth, without the concurrence of the Governor, and the majority of the council in the western province, upon a full report of the grounds upon which the Lieutenant-Governor may declare it to be unavoidable.

Here then they saw it was proposed that the great question of war should only be decided in the affirmative by a majority of the council in the EASTERN PROVINCE. But the Commissioners of Inquiry go still further than that, and with a view of still more effectually guarding the colony against foreign aggression, recommend strongly that the people should have a voice in the management of their own affairs. After the many opportunities afforded them of becoming acquainted with the inhabitants of the colony, after mixing freely with them, and learning their views upon every question of colonial polity then under discussion, they strongly urge upon the attention of the British Government the importance of conceding to the people a REPRESENTATIVE LEGISLATIVE ASSEMBLY. After passing a handsome and well-merited eulogy upon the Dutch African colonists, they thus speak of the English settler :—

To the English part of the population, who have adopted the colony as their home, or to those who may repair to it hereafter, an institution so congenial to their feelings cannot fail to be acceptable. There are not many of them at present who, in point of permanent property, would be entitled to a seat in a Legislative Assembly, and still fewer who are competent, either from previous habit or education, to discharge the duties that belong to that station ; but if a sense of personal security, or the hope of a more perfect enjoyment of civil rights, be connected in their minds (WHICH IT ASSUREDLY IS) with the freedom of discussion in a Legislative Assembly virtually appointed by themselves, we cannot doubt that such an institution, imperfect as it might be, would make them more satisfied with their condition, and less clamorous for a change.

Such were the recommendations made to the Home Government by the Commissioners of Inquiry in 1824, and which were the natural deductions from the voluminous information laid before them, and after a careful examination of the circumstances of the country, and of the character of the people to whom the whole subject had primary reference. More than 20 years had since elapsed, and still those concessions were withheld, and to which, he repeated, might be attributed all the misfortunes which had since overtaken them. But he was aware that many persons took alarm at the bugbear of self-government, and were apt to attribute to it a degree of importance to which it was not entitled. It would be well to look at this term a little more closely, and then he thought all such apprehensions would speedily vanish. Communities were very much like large families. Now it was an every day occurrence, that a member of a family on reaching majority branched off, and commenced "a separate and independent" establishment. This was the natural progress of society, and the same principle was of equal applicability to communities as to families;—hence the only questions at issue were, 1st.—Whether the parties were capable of discreetly managing their own affairs? and 2ndly.—Whether their means were sufficient to meet their necessary expenditure? Now he thought that he should be able to prove that both the inquiries might be decidedly answered in the affirmative. He was firmly of opinion, that the people of this province were fully as able to maintain their own institutions as the western districts. He thought this would be seen by a comparison of the exports of their staple articles of produce for the past year, and which stood as follows:—

*Exports of Staple Produce for 1846.*

WESTERN PROVINCE.		EASTERN PROVINCE.	
Wine.....	£50,345.....	Nil.	
Wool....	59,688.....	£114,153	
Hides.....	11,888.....	21,092	
Skins.....	13,940.....	6,374	
Total ....		£135,561	£141,619

Thus showing that on the *three* staple exports of the eastern province, as contrasted with the *four* staple products of the western districts, there was a balance *in favour of the former* of upwards of £6,000,—and this too was the dark year of their calamity—a year in which they were called to struggle against the fearful inroads of the neighbouring barbarians. He need not touch upon *imports*, not from any fear of the results, but from a strong opinion that imports were not a *safe* criterion of the circumstances of a country. The all-important inquiries were, what did a country produce? what was the extent of its resources? what the character of its means? And he thought that when it could be shown that during the *past* year they had shipped to the parent country raw produce, thus furnishing employment to the British operative, to the extent of £141,000 in only *three* articles, to say nothing of minor products, which might be indefinitely increased, it was a strong argument in their favour that they had arrived at such a state of maturity as would permit of their being entrusted with that control in the management of their own affairs to which they now so properly aspired. It was hardly possible that they could be any longer held in leading-strings by the western province, and which might be deduced from the rate at which they were outstripping her in the race of improvement. Of this the single fact, that the *increase* on the exports of the past year, as compared with the preceding one, was, for the western districts £42,055, while for the eastern province it amounted to no less than £70,578,—showing a rate of progression unexampled in the history of this, or perhaps any other colony,—told more forcibly than any argument, and rendered remark unnecessary. But besides all this, they might add to their *income*, not merely the products exported by them, but their

large *missionary* outlay, and also the military expenditure, and which, if there were an officer of the Commissariat present, he would tell them was "pretty considerable." Another mode of drawing a safe inference as to their ability to sustain a separate and independent government, was by a comparison with other colonies actually in the enjoyment of those rights which they were labouring to obtain. Looking to the West Indies, he found there twelve colonies, the average amount of the European population in which did not exceed 5,300, each of which had not only their own Governor, but also elective representative councils. Turning to Australia, he saw that the settlement of Western Australia (Swan River) had its Lieutenant-Governor and Legislative Council—though its revenue for the past year did not exceed £10,000, out of which provision is made for its free schools, harbour establishments, &c., while it is observed, that "in every branch of the administration, activity and efficiency seem to be superadded to economical arrangement. The management of the public ferries had undergone revision," &c. Turning to South Australia, at present one of the most flourishing dependencies of the British Crown, he found that its revenue for the *present* year was £43,970; its expenditure £32,477\*; added to which was a supplementary abstract, amounting to about £4,000 more. Out of that revenue this colony supported, in addition to its Lieutenant-Governor, Secretary, &c., its Judge, Surveyor-General, Deputy Surveyor-General, and Colonial Engineer. It had its Executive and Legislative Councils, as well as supported a number of institutions to which at present this province had never aspired,—although he was prepared to show that, under good management, and with the right direction and due control of their own affairs, they were equally as well able to support them as the colony to which he made reference. In proof of this, he was happy in being able to submit to the meeting the estimated revenue and expenditure of the province for the ensuing year, and which he had been permitted to compile from official papers in the office of the Lient.-Governor; and it afforded him as much pleasure to state, as the meeting would be to hear, that Sir Henry Young had been assiduously working to ascertain the real resources

\* The following is a summary of the estimated expenditure of South Australia here referred to:—

*Summary of Estimates of Expenditure for the year 1847.*

The Governor .....	£1,500	0	0
<i>Civil Establishments—</i>			
1. Governor .....	£ 406	0	0
2. Councils .....	396	0	0
3. Colonial Secretary's Department .....	1914	0	0
4. Treasury .....	725	0	0
5. Audit .....	415	0	0
6. Customs .....	1639	0	0
7. Crown Lands .....	670	0	0
8. Survey .....	2242	18	11
9. Public Works .....	1112	2	4½
10. Post Office .....	1641	0	0
11. Harbour .....	1852	0	0
12. Colonial Storekeeper .....	200	0	0
13. Out-stations .....	1015	0	0
14. Police .....	9746	9	0
15. Medical .....	762	7	0
16. Lunatic Asylum .....	347	0	0
		25083	17 3½
<i>Judicial and Law Establishments—</i>			
17. Supreme Court .....	3704	0	0
18. Bench of Magistrates .....	150	0	0
19. Coroner .....	180	0	0
20. Advocate General's Department .....	510	0	0
		4544	0 0
21. Colonial Chaplain .....		360	0 0
22. Miscellaneous .....		1000	0 0
Total .....	£32,477	17	3½

Among the details we find the following items. Where shall we find such provision made in this province?—

*Miscellaneous.*

Maintenance for widows and orphans, and other destitute poor .....	£500	0	0
Unforeseen expenses .....	500	0	0

of the province; that he had called for returns from the several districts, of the probable revenue and expenditure of each for the next year, the result of that inquiry being given in the memorandum before him, as follows:—

*Estimated Revenue and Expenditure of the Eastern Districts for the ensuing Year.*

	REVENUE.	EXPENDITURE.
Albany, .. .. .	£7,930	£8,873
Somerset, .. .. .	3,245	3,016
Cradock, .. .. .	4,393	2,845
Colesberg, .. .. .	3,259	2,424
Graaff-Reinet .. .. .	3,840	4,395
Uitenhage, including Port Elizabeth, .. .. .	21,474	6,819
Lieut.-Governor's Depart. ..	..	2,765
	<hr/> £44,143	<hr/> £31,137

Thus leaving a balance of £13,000 in *favour of the revenue*, to be appropriated to any public work, or to meet any contingency which might arise, irrespective of the various items set forth in the returns made in the estimates thus furnished. He need not put it to the meeting, whether a community which had made such advances—which had so outstripped the elder districts—were able to expend their means so as best to promote their own advantage. It was upon record, and had been already referred to, that those who had assumed the control of their affairs, and who were so anxious to maintain that control, had utterly misunderstood them, and had so grossly mismanaged matters, that twice since the date of the report of the Commissioners of Inquiry had the frontier been laid waste, and calamities innumerable brought upon the whole settlement. Their great aim was to avoid such calamity in future; the object before them was not so much one of speculation as of calculation; it would hinge upon a question of pounds, shillings, and pence; and hence, in the remarks he had offered them, his aim was not to make a speech, but to lay before them some *data*—a dry array of facts and figures—by which they might be enabled for themselves to arrive at sound conclusions on the mooted question. He understood that it was intended at that meeting to appoint a committee, which should be empowered to examine the whole subject in all its bearings; that committee would have an official character; it would be armed with authority to call for information, and to examine such documents as might be necessary in the elucidation of every matter bearing upon the questions before them, and upon the result of such an investigation would a decision be ultimately founded. He for one had no fear for the issue. He felt confident of a favourable result; for as an individual whose interests were inseparably bound up with the prosperity of the eastern province, it would be worse than folly—it would be madness, to advocate measures which he did not believe in his conscience would tend essentially to the future security and prosperity of the country at large. (The speaker was heard throughout with great attention, and sat down amidst much applause.)

Mr. JARVIS, in moving the second resolution, said—The ground had been so well taken, and what had already been said on the subject they had met to discuss, had been so well expressed by the gentlemen who had preceded him, that little remained to be said on the resolution that he was about to propose. Indeed, that was not the time to make a speech. They had met merely to consider the propriety of instituting an inquiry, and if the result of that inquiry were favourable to the object which they had in view, he had no doubt that when the fitting time came, all that would be necessary to be said would be well said in furtherance of so very desirable an object as the independence of the eastern province. The resolution embraced two points—first, that it is desirable that the eastern districts be constituted a separate government; and secondly, the necessity of appointing a committee, in order to obtain such information as

appeared to be necessary under the circular of His Honour the Lieut.-Governor. Upon the first point, there could be but little doubt but that, if it were found upon inquiry to be practicable on the score of expense, there was every reason to believe it would tend much to the advancement and prosperity of the frontier districts. He did not wish to reflect on any one, but it certainly did appear, that during many years past the affairs of the frontier districts were not so well managed as they might have been. The fact seemed to be that legislators appeared to forget that we were making progress, and treated us in much the same way as we were treated twenty-five years ago—that is, in as far as allowing us to have a voice in controlling our own affairs. When he first arrived in Algoa Bay, he saw there only *three* small houses, and on his first arrival in Graham's Town, he found only *eighteen* small buildings. Then everything was looked for from Cape Town, and everything emanated from Cape Town. But since then, Port Elizabeth had risen to a port of some considerable eminence, and Albany had made rapid strides; and yet legislators seemed to treat the frontier as if it had never stepped beyond the three small houses and the eighteen buildings! The returns of the exports and imports at Port Elizabeth showed a rapidly increasing trade, carried on with all the energy which has always marked the path of the British settlers. Yet where were the public institutions in return for the contributions to the public revenue? And what was there in Albany in the way of government institutions to mark the advance that had been made by the settlers? The real truth is, we all feel impressed with the idea that we do not get enough for our money. It might be, and no doubt it would be said, that we do not understand the art of government, and that we are not fit for it. It may be so,—we may undertake our own affairs and manage them badly, and show ourselves to be very bungling legislators; but it would be rather problematical whether or not, taking all things into consideration, we could manage matters much *worse* than they had been managed for us for the last five-and-twenty years! (Laughter and applause.) It had been said some years since, when municipalities were first talked of, that we could not manage our own affairs; and when some gentlemen in the town first spoke of bridges and water-pipes, there were not wanting people who said “these fellows are mad!” And yet it was an undeniable fact, that the municipality had done so well that at the beginning of the war, during the time of the drought, if it had not been for the municipality and their water-pipes, a large proportion of the town would have perished from disease, occasioned by the want of water. (Applause.) Look at the municipality, the banks, and other public institutions of the frontier, and can any one say that they are not managed well? Look at the religious institutions of the frontier; the benefits which they have afforded will tell their own tale. And yet it is to be said that the men who manage all these institutions, and manage them well, are not able to take a common sense view of the government of the eastern districts! What has yet been done to our harbours, to our roads, to our other public institutions, in which we can trace a wisdom that we do not ourselves possess? And what has there been done on the frontier to lead the inhabitants to conclude, that if the money is to be found, the ability will be wanting? There is one paragraph in the circular that calls for special attention:—

“It has also been represented to me that the establishment in the eastern districts of a Registrar of Deeds' office, a Surveyor-General's office, and a board for the care and maintenance of public main roads and bridges, are not necessary or expedient,—the objects to be attained by such institutions being sufficiently provided for under the existing central government at Cape Town.”

This paragraph was of much importance. There could be no doubt but that a Registrar of Deeds' office would be an incalculable benefit to the frontier districts; and although the subject was one of considerable difficulty, and would require great consideration, yet there could be no doubt but that it could be accomplished. With respect to the Surveyor-General's office, that was a question of which the inhabitants of Albany knew very little. There was a *tradition*



amongst them that such an officer as the Surveyor-General did exist, and that there was such a place as the Surveyor-General's office; but that was all they knew on the subject. In the year 1821, he (Mr J.) saw the Surveyors Hope and Pettingal surveying one portion of the locations of the settlers, and Mr. Knobel surveying another. The talents of these gentlemen had never been questioned, and their surveys had never been impeached; and yet, from that day to this, the title deeds to the lands which they had surveyed had never been issued. And if the farmers of the Konap inquired for their titles, they were told that the surveys which were made by some surveyor who died fifteen years ago were defective, and therefore the title deeds could not be issued; and this delay was a source of immense inconvenience to nearly all the settlers, and a great loss of revenue to the Government. Now these, and a number more facts that might be stated, all showed the necessity of a Surveyor-General (admitting such a person really to exist) at a little less distance from us than 600 miles. At all events, be the office where it might, it would be difficult to arrange matters *worse* than to be in such a state as not to be able to issue title deeds to lands that were surveyed a quarter of a century ago. Then as to the roads—the wisdom of others had declared a part of the road from Port Elizabeth to Graham's Town to be a branch road—a road on which there was unquestionably more valuable traffic than on any other road on the frontier, without any exception; and the road through Howison's Poort had, for the last two years, been in such a state, that one part of it was literally paved with broken *yokeskeys*! This might appear a very commonplace observation, but it would convey more to a practical man than a much more elaborate description would. The krantz, which had for two years been paved with yokeskeys and broken sticks, and which had occasioned a loss of thousands of pounds to the Government and the inhabitants, had been repaired in about two weeks at an expense of a few pounds! And so it always would be, when local institutions were conducted by persons living at a distance. They were moved by the best intentions, but it was no reflection on any one to say that all local matters may be better managed by the inhabitants who can see and judge for themselves. These, and many other considerations which might be stated, led him to conclude that it was highly desirable that the eastern districts be constituted a separate and distinct government,—always distinctly understanding that in any change that might take place, such change was in no way to affect the supreme court of the colony as at present constituted. Let there be no change there, but let it remain to be, as it has been since it was first established, one of the best and noblest bulwarks of the colonists. The meeting would observe that in the resolution there was a reservation. The separate government was to be “irrespective of Kafirland.” Under no circumstances, have anything to do with a place, which for the last five-and-twenty years has been the curse and bane of the frontier. Let there be a government of the western province a government of the eastern province—but let Kafirland, or British Kaffraria, or whatever else it may hereafter be called, be a separate and distinct government, under military law, or such other law as the Imperial Government may decide; but let us have nothing to do with it. The absurdities and mistakes which had been committed with respect to that unhappy country showed the necessity for a change. [Mr. Jarvis went at some length into this part of the subject, and concluded by saying]—If a wiser policy had been adopted twenty years ago, or if the enlightened policy of Sir Benjamin D'Urban had been carried out, the result would have been a saving of thousands of lives and millions of treasure. (Much applause.) The next question was the expense; and therefore it would be desirable to appoint a committee to collect information on the subject to lay before His Honour the Lieut.-Governor. The whole question would turn upon the consideration of expense. If the revenue of the eastern districts would not meet the expenditure, then there was an end of the question at once; but if, upon inquiry, it were found that the revenue of the districts would meet the expenditure of a separate government, then let every man in the districts exert

all his energies to bring about a change that could not but be productive of incalculable benefit to the whole of the eastern province. At all events, we should have the satisfaction, and which no people can appreciate as Englishmen can, of having the management of our own affairs. Before concluding this part of the subject, there was another part of the circular to which he wished to direct the attention of the meeting. In the second paragraph, His Honour the Lieutenant-Governor was pleased to say, that he addressed himself to the inhabitants "with the concurrence of His Excellency the Right Honourable the Governor." Now, it was fair to assume that a man with the distinguished reputation of Sir Henry Pottinger would not countenance such an inquiry, without a view to some ulterior measures, if the result of the inquiry should be favourable to a change; or that a man of the high official character of Sir Henry Young would put forth such a circular without an object. This consideration should stimulate the inhabitants to proceed with the inquiry, and endeavour to procure such information as would lead those who have the inclination to judge, whether or not they have the ability to propose a change; for after all, it would turn upon a question of pounds, shillings, and pence. It reminded him of an old story of an old gentleman who had rather an extravagant son, who he fancied was going rather too fast, and knowing that it is the pace that kills, he thought it time to pull up: and he said to his son one evening—"Now, Tom, you are going too fast, it won't do: it is time you were settled. There's your cousin Mary has got five hundred a year of her own money, and if you will marry her I will settle five hundred more upon you, and that will provide for you comfortably—what do you say?" The youngster asked for the night to consider the question; and when they met at breakfast, the old gentleman, full of the subject, said—"Well, Tom, have you been thinking of what I was saying to you?" "Yes, sir, I have been thinking of it all night." "Well, what do you say, sir,—will you marry her?" "Sir, it won't do. *It can't be done for the money!*" Now here was the whole question for the committee. Let it be thought over carefully, and if "*it can't be done for the money,*" why there is an end of the subject for the present; but if it can be done for the money, then support those who are willing to help us, and show that we are willing and able to help ourselves. Before concluding, there was another point, which had really nothing to do with the business of the meeting, but while there were so many of the most influential inhabitants together, he (Mr. Jarvis) thought it a good opportunity to mention the subject. He alluded to some little anxiety which was evinced by many persons at the present state of uncertainty in which the affairs of the frontier appeared to be. For his part, he had no fear as to the result—he felt no uncertainty as to the end of the contest. It was not for a moment to be supposed that the distinguished individual at the head of affairs was doing nothing, or that he was labouring, as it was notorious he was doing, without a steady purpose of benefitting the frontier. As watchful as when he conducted an Indian negotiation,—as vigilant as when he concluded the Chinese treaty,—just so vigilant, and just so watchful did he hold him to be at that moment; and when the proper time for action should arrive, we might look forward with cheerful confidence to the results of his policy, which would, no doubt, place Albany in the position in which she ought to be placed—as the second district in importance in the colony.

Dr. J. ATHERSTONE said,—I desire Mr. Chairman, to second the resolution which has just been read. It has, however, been so ably commented upon by the mover, Mr. Jarvis, as to leave but little for further observation. As regards the question of our being able to maintain a separate and independent government, I have good reasons for stating that abundant and conclusive proof is at hand, that the revenue of the eastern province is fully equal to its expenditure. But, if it were otherwise, if it could be shown that the revenue, as it now stands, is not adequate to support a separate government, it cannot be supposed that we should prefer a continuance of the evils we have so long and justly complained of, to the payment of such an amount of increased taxation as would make up whatever

amount of balance might be found against us. I had intended to have gone into this subject, and confirmed what I have now stated ; but it has been so well handled, so clearly elucidated, with a reference to figures, by Mr. Godlonton, as to render further remark quite unnecessary. Bear with me, however, for one moment, and allow me to bring to your recollection a grave charge which has been brought against us as a community,—one which, I hope, will for ever be removed by our public proceedings on this all-important occasion. Gentlemen, it has been said that there is no steadfastness of purpose, no decision of character, no unanimity to be found in Graham's Town; that public meetings have been convened (sometimes on subjects when not a dissenting voice has been heard), committees appointed, and that there all further proceedings have been stayed. I will not ask you for the cause of this ; but I do beg, and earnestly hope, that unanimity and steadfastness of purpose may characterise the proceedings of this day and the deliberations of the committee now to be appointed.

Mr. B. HADLEY, in supporting the second resolution, observed that—being one of those whose signatures were attached to the petitions to the Imperial Government, referred to in the circular, he could not consent to give a silent vote on that occasion. So much had been said, and so well said, by the gentleman who had seconded the former resolution, that he found it difficult to hit upon a topic that had not been almost exhausted. There was, however, one view of the subject left open to him, which involved grave and important considerations, and which they ought not to flinch from discussing, though the conduct and character of the last two Governors, of the Lieut.-Governor, and of the Legislative Council, were deeply compromised. When he first saw the announcement of Sir Henry Young, that the Home authorities intended to make this province a separate and distinct government, he confessed he could scarcely believe what he read. "What!" said he, "can it be possible that we are to be emancipated from the thralldom and tyranny of the Legislative Council? that we are to be no longer subject to the unjust treatment, the gross ignorance and misrepresentations of the leading members of that assembly?" Thanks to a beneficent Providence and our own good exertions, the time is fast approaching when these evils will be matter of history only,—when we shall have the management of our own affairs in all matters appertaining to this important province. Our voice has at length been heard in the Councils of our Sovereign, who, in compliance with our wishes, has sent us a Lieut.-Governor, whose appointment was opposed, let it never be forgotten, by the Legislative Council (and small thanks to them for the opposition),—an officer, who has the reputation of being a man of sense and spirit, of considerable colonial experience, of large and comprehensive views, and, moreover, with express instructions to make this province "a separate and distinct government," should its resources prove adequate to support it! Here was matter both of thankfulness and congratulation ; and it would be their own fault if they remained much longer, either aliens to good government, or out of the reach of security both for life and property. There were few men, continued the speaker, on the frontier who had watched more narrowly than he had the proceedings of the Legislative Council, when called upon to deliberate on any matter or thing appertaining to that province ; and he said it advisedly, that not only had no disposition been manifested by the members of that body to redress their grievances, but that, on the contrary, every attempt had been made, at least during the last ten years, not to remove, but to perpetuate, the evils under which they had so long and so severely suffered. It would afford him sincere pleasure, were he able to exclude from that charge the higher functionaries, who, during the same period, had presided over the destinies of that ill-fated colony ; but that was impossible, as they had, like the leading members of the Council, been guilty of the grossest dereliction of duty in neglecting the interests of that province. Sir George Napier visited the frontier for a considerable time, and had many opportunities of forming a correct judgment of the working of his frontier policy ; but he was too shallow a politician, too ignorant of the real character of the Kafirs, and too prejudiced in his views in

regard to the frontier population, to form a sound opinion of either, and incapable of adopting any measures that were likely to ameliorate their condition. Hence his dogged refusal, and that of his satellites of the Council, in March, 1844, to furnish Mr. Ebdon with the necessary documents to enable that gentleman to open up the whole question of Kafir policy, as it then existed,—hence his assertion that the colony was unfit for English emigrants,—his uniform denial that the frontier inhabitants had any serious grievances to complain of; that their statements were always exaggerated, and their sufferings more imaginary than real. Unhappily, his successor, Sir Peregrine Maitland, who came to this colony with a high moral and religious character, and no little colonial experience, was no less blind to the real wants of that frontier, and the insecure tenure on which both life and property were held. “Where much is given,” it is said, “much will be required;” yet, he would ask, what were the obligations which that province owed to the late Governor? He abolished the old Kafir treaties, which were lauded by Mr. Montagu and the Attorney-General—those heaven-born statesmen!—but did he check Kafir plunder, or put down Kafir violence and outrage? Did the late Governor, or the late Lieut.-Governor, or the Legislative Council, adopt any measures calculated to mitigate the evils which the suffering farmer daily and hourly endured, though those evils were as notorious as the sun at noon-day? He (Mr. H.) said unhesitatingly, they did none of these things, although warned, times without number, by the frontier press, by petitions, memorials, and remonstrances of the inhabitants from one end of the province to the other. If anything had been wanting to show the lamentable incapacity, not to say wilful blindness, of their late Lieut.-Governor, and the criminal negligence of their late Governor, in trusting to so incapable an officer the lives and property of the people of that province, it was to be found in the blue-book, which had recently been sent to the colony. [The speaker here read several extracts from the blue-book.] He (Mr. Hadley) asked what was his object in making these statements? Was it to gratify a censorious disposition, or the pitiful ambition of showing up so easy a thing as official delinquency? No! His object was to show that the Legislative Council had, at least during the last ten years, betrayed their trust to the people of that province, and were no longer worthy of their confidence; that the last two Governors, and the late Lieutenant-Governor, were unfit for the high official stations they occupied, and that to their ignorance, prejudice, and obstinacy in disregarding the urgent appeals and solemn warnings of the frontier press and inhabitants, might justly be attributed the present disastrous Kafir war, and all its attendant evils. He wished to show also that those evils might be clearly traced to *natural causes*, and that the inhabitants of that province were rather the victims of bad government than the objects of God’s vengeance, as some had ignorantly, and, as he thought, unwisely and profanely represented. It must be especially grateful to the people of that province, after enduring at least twelve years of misrule, to find at length an opportunity afforded them of having a separate and distinct government, in the benefits of which they could participate, and over which they might reasonably expect to exercise some salutary control. Not to avail themselves of that opportunity would be to proclaim their unfitness for self-government, or the conduct of their own affairs, and would justly subject them to the charge of having petitioned for a Lieutenant-Governor with independent powers, and a separate and distinct government for this province, and that when the blessings were within their reach, they turned round and ignorantly and unwisely refused them. Before those blessings could be received it was indispensable to appoint a committee of inquiry into the income and expenditure of the province; and he would conjure the meeting to select for that important task none but men qualified to discharge its duties efficiently, and he had no fear as to the result. He trusted the inhabitants of the eastern districts would not fail to bear in mind that, in case the inquiry about to take place into the income and expenditure of the province should not show a surplus sufficient to enable them to support a separate and



distinct government, there was surely no reason why they should not insist on the removal of the seat of Government from Cape Town to a more central situation, say Uitenhage: nor was there any justifiable reason why a certain number of members from this province should not have seats in the Legislative Council, to represent the various interests of that province. The slightest glance at their imports and exports would show (though as a people they were but 27 years old) that they were no longer to be neglected and despised on the score of trade and commerce, and the spirit and intelligence of the inhabitants might be inferred from the support with which they upheld the good old institutions of the mother country, both educational and religious.

Mr. MEURANT followed Mr. Hadley, and adverted to the causes which led to the getting up the petition to which the circular of the Lieutenant-Governor referred, stating that it was got up in consequence of the remarks made in the Legislative Council on the 7th October, 1845, on the petition of the Dutch frontier farmers. He was one of a committee that drew up the resolutions and the petition of one of those Dutch meetings. He need not allude to the manner in which these were treated in the Legislative Council,—the statements made by the petitioners were scouted as “exaggerated” and “hyperbolic;” but it was an extraordinary fact, that the main facts contained in their petition had only yesterday been admitted to be true by no less a personage than Sir H. Pottinger, at an interview at which he (Mr. M.) was present. That petition stated that the Kafirs were a nation of robbers, — Sir H. Pottinger told him they were so; the petitioners declared that nothing would secure the peace of the frontier save their entire subjugation—Sir H. Pottinger expressed to him the selfsame opinion, and moreover declared his determination to accomplish that task. Now, it was a strange coincidence, which no one seemed to have remarked, that on the very day the Secretary of State sat down to answer their petition, viz., the 17th April, 1846, the Kafirs, at Burns’ Hill, were giving the British Government the best *practical* proof of the justice of their prayers that could possibly be given. Who could doubt *now* that had the voice of the frontier people and the “frontier press” been attended to—that had our repeated representations and remonstrances not been treated as “hyperbolic” and “exaggerated,”—and that had we had the management of our own affairs, the British treasury would have saved upwards of *two millions sterling*—(a sum which would have carried on an independent government for many years,)—and the colony many valuable lives? The present Kafir war, he contended, was the best answer that could be given as to the correctness and justice of the views of the frontier people.

Mr. T. HOLDEN BOWKER moved the third resolution, and remarked that in attending that meeting he had been “caught flying,” he having just come in from the country, where he and his brothers were endeavouring to protect and depasture 6,000 sheep, the remnant of 32,000, which they possessed at the commencement of the war. Their landed property extended from the Zuurberg to the Konap, but in all that extent not a single habitation had been left standing upon it—all had been fired by the savage foe, and he and his six brothers, with their families, had merely a reed hut to shelter them from the weather. For the last fourteen months he and his rifle had been so inseparable that his hand had got hard by continually grasping it; but still he did not despair, and felt convinced that if the object sought by that meeting were attained, all would yet be well. It was high time, he thought, that the eastern province should have its own separate government; they would, he believed, be able to pay for it, and at all events would have the satisfaction of spending their own money and getting something for it. He entirely agreed with the preceding speakers, as to the injurious effects resulting from having their affairs administered by a central government at Cape Town. Thus hampered, they were something like a knee-haltered horse—they were impeded every step they took. There was now some hope of a remedy to this; the evil had been endured long enough, and they were reduced to comparative poverty; but still, only let them manage their affairs in their own way,



and they would soon retrieve their circumstances. Give them but a separate government, and it might be depended on they would find money to pay for it. (The evident sincerity and ardency of this speaker excited a good deal of sympathy, and elicited much applause.)

Mr. T. NELSON, in supporting the resolution, remarked—That it ought never to be forgotten, in looking at the revenue of the colony, that a large amount which figured in the Customs' duties at Cape Town ought properly to be carried to the credit of the eastern province, being for goods re-shipped and sent round to various mercantile houses in its several districts.

Mr. J. TEMLETT (municipal commissioner) proposed the 5th resolution, and expressed the satisfaction he felt at the unanimity of that meeting, and his hope to see the object at which it aimed fully accomplished. He thought it was high time they took into their own hands the management of their own affairs. Under the management of others, their roads were in the wretched state in which they were at present found. This had cost them within the past year, in carriage from Algoa Bay, thousands of pounds, which would have been saved had that road been kept in proper repair. Had it been attended to as it ought to have been, they might have gone down in their chaises, and have transacted their business comfortably, instead of being hindered by the almost impassable state of the road between this place and the chief port of the province. He trusted the people would now take their affairs into their own hands.

Some other observations were addressed to the chairman at this meeting during these proceedings, which although not irrelevant to the business in hand, have not been recorded, inasmuch as being merely explanatory remarks, it was not deemed at all necessary to introduce them into a report, which is sufficiently clear and intelligible without them. It will only be necessary, therefore, to add, that throughout the meeting there was not the slightest indication of discord, or even difference of opinion. All felt that the great question at issue was a vital one to the future prosperity of the province, and hence each addressed himself to the business of the meeting with an earnestness of purpose, and with that spirit of self-reliance, which cannot fail, under Providence, in conducting ultimately to decided and, as may be hoped, to deserved success.

### *Public Meeting at Port Elizabeth.*

(Extracted from the *Eastern Province Herald*, of July 17, 1847.)

At a numerous meeting held in the Commercial Hall on Monday last,—WM. SMITH, Esq., having been called to the chair, opened the business by reading the following requisition and answer, as well as the circular, recently published, from His Honour the Lieutenant-Governor :—

Port Elizabeth, July 7, 1847.

To WM. LLOYD, Esq.,  
Resident Magistrate, Port Elizabeth.

SIR,—We, the undersigned, inhabitants of Port Elizabeth, have the honour to request permission to hold a public meeting on Monday next, the 12th instant, for the purpose of taking into consideration the subject of His Honour the Lieutenant-Governor's circular, dated the 26th June, 1847.

We have, &c.,

W. Fleming	Jos Simpson
Wm. Smith	C. Andrews
W. M. Harries	Bernard Dietz
John Black	Alex. Wares
Dan. Philips	H. von Rönne
Sampson Middleton	Alfred Jarvis

Joseph Smith.

Resident Magistrate's Office, 7th July, 1847.

Messrs. FLEMING, W. SMITH, W. M. HARRIES, &c., &c.

GENTLEMEN,—It gives me great pleasure in acceding to your wishes to hold a public meeting on Monday next, the 12th instant, for the purpose of taking into consideration the subject of His Honour the Lieutenant-Governor's circular, dated the 26th June last.

I should inform you, however, that it has been customary when public meetings are required to be held, that application should be made to the civil commissioner; but, in this instance, I think the course I have taken will not be disapproved of.

I have, &c.,

WM. LLOYD, Resident Magistrate.

The CHAIRMAN then stated—Gentlemen,—I beg to assure you I feel it an honour to be called to the chair on this occasion; for we have met to take into consideration a subject of the utmost importance to the interests of every inhabitant in the eastern province,—no less a subject than that of showing we can walk without leading-strings, and that we are in a position to throw off the yoke of the west, and support our own institutions. Gentlemen, we are called upon by Earl Grey to show cause why we should not be independent of the Table Mountain government, and apply our own revenues to the interest and improvement of our own province. We are also called upon by our respected Lieutenant-Governor to furnish him with such data as will warrant him to advise a separation of the two provinces. This is the great object of this meeting, and from the business habits of Sir Henry Young, I doubt not the eastern province will find him a firm and able friend. Only prove to him that we are in a situation to support an independent government, and rely upon it, he will use his best exertions to obtain it. This, I am convinced, can be proved, and I fully expect such facts as to our resources will be shown to-day, that will astonish even Mr. Montagu. I have now informed you of the object of the meeting, which is to furnish data, and put yourselves in communication with His Honour the Lieutenant-Governor. It now rests with you to pass such resolutions as will carry out this desirable object.

Mr. FLEMING then rose and said—The simple bearings of the question arising from the circular of the Lieut.-Governor are to furnish, from a fresh consideration of the subject, reasons for the establishment of a separate and distinct government of the eastern province. For my part, I consider it almost superfluous to do so. The position of the eastern province, its distance from Cape Town; its important and diversified interests, the peculiar character of its population, comprising various races in different stages of civilization; the right to some influence in its own affairs of one district at least—that of Albany; the connection with Kafirland; the fearful danger, to which it is exposed from the neighbourhood or proximity of the barbarous natives of that country; the capabilities of great improvement in agriculture and commerce, when properly encouraged or sustained by an intelligent government; the necessity of a firm, vigilant, but enlightened action in the settlement of the disordered state of social or political circumstances in the noble province beyond the Orange River, with which I have no doubt, in the course of years, the merchants of Port Elizabeth will maintain a most valuable connection; the advancement of our population in education; the increase of our revenue to support a government and undertake public works, and, above all, to encourage immigration by the continued influx of the English race, thereby to give a preponderance of intelligence, and industry, and numbers, over the mass of barbaric ignorance which is within the colony, and oppresses it from without,—for every ten men we introduce neutralizes or destroys the power to do evil of ten times the number of barbarians;—these are all self-evident considerations in favour of a distinct government. But the question which His Honour the Lieut.-Governor now submits for general opinion, has already been decided by the Commissioners of Inquiry, sent out specially by the Home Government more than 20 years ago. They recommended separation, a Lieut.-Governor, Executive and Legislative Councils, the other departments of law and revenue, as they now exist; but which report was never carried out in the manner it should have been done, perhaps for a reason which, if it did exist in 1826, does not

exist in 1847—the want of a revenue to support the expenses or civil list. The administrative institutions of the colony became remodelled in consequence of this report, and in one or two instances some abolished, that only required to be improved or ameliorated: such as the Boards of Landdrosts and Heemraaden, formed for the local administration of districts, and which bore some analogy to the system of municipal districts which Lord Grey has introduced into New Zealand. By the abolition of these boards, the inhabitants of the districts were totally deprived of the least voice, authority, or political influence to promote local improvements; the principle of centralization was carried out; the man that was to do all was the civil commissioner; he became the organ of the central government. There is no doubt but that the Dutch inhabitants, as regards their taking an interest in improvements of their districts, have fallen into a degree of singular apathy or indifference, in consequence of the abolition of the boards, which were becoming schools to train up the colonists to the management of their own interests. The principle of centralization seems to have been a silent drawback in the commissioners' report, without their knowing it. Centralization means that the government shall do everything, and the people do nothing but obey, and all contribute to the increase and growth of the capital or metropolis, and that all our intervening duties and occupations, from the time of the midwife to that of the sexton's, must be chronicled, and ordered, and regulated, and then put into a statistical form,—the only reason, to justify such interference. It is, therefore, not without pleasure we must express our satisfaction that the question of a separate government is to be properly settled and carried out. Unless the office is essentially independent of the control of the executive at Cape Town, it will be but a failure—the same as the expedient hitherto substituted by the government, such as the Commissioner-General, and the two last Lieutenant-Governors. If, in 1825, when we did not expect a pound of wool, had no direct trade, and very little coasting trade, with confined notions of the value of the country within and without the boundary, and when in those days we placed confidence in our barbarous neighbours, it was deemed advisable to have a distinct government, the necessity comes now with tenfold force when the community has assumed such an industrial aspect as to take the lead in the exports over the west; when the political circumstances have become so much changed by the two irruptions we have sustained, and our safety placed in an alarming state therefrom, and also from the wise management necessary to arrange the discordant elements across the Orange River. A Lieutenant-Governor imbued with the spirit of his duty or office will use his own eyes and ears to come to conclusions on passing events on the spot, better than can be done 600 miles away. Distinct governments will be to the benefit of each province. In these parts it will infuse confidence in future—a love of the country of our adoption, which I think every man present must confess is occasionally necessary to be felt, to sustain and cheer us under the many gloomy forebodings that sometimes do cross the mind, when we consider how much depends on ourselves to place our lives and property in a state of security against our neighbours. To the western province, I think the great advantage will arise of looking more to the improvement of its own resources, to encouragement of European immigration, instead of the inhabitants showing such an unfortunate preference for prize negroes, thus retarding the improvement of her population in every quality which should distinguish a country. That great improvements are open is evident from the fact that the Cape imports large quantities of wheat from South Australia, a colony of only about ten years' standing. When the Commissioners' report came out, a Commissioner-General was appointed on the frontier as a sort of Lieutenant-Governor, but he never could get instructions as to the nature of his office, and so he resigned. The Kafir war of 1834 brought him out as Lieutenant-Governor, and he was succeeded by Col. Hare. The one was curbed and checked when he wanted to be independent within his own province, and the other was so nervous or frigid as to incurring responsibility, that he never would see the storm that was gathering on the frontier. A week

before he declared hostile measures to be necessary against the Kafirs he treated the fears and remonstrances of the people with contempt. All the diplomatic agents in Kafirland could not spy out, at the respective courts of the native princes, the preparations which had been making against us in collecting arms and ammunition. To render his office efficient, the Lieutenant-Governor must be thrown on his own responsibility, and not the mere agent of the Cape; the opinion of the frontier people must be consulted, and the control of the finances must also rest with him, and he must not be, like his predecessors, dependent on the Colonial Office in Cape Town for every shilling necessary for his government. Entertaining these opinions, I beg to propose this resolution which has been put in my hands,—

That this meeting regards the subject of the circular of His Honour the Lieutenant-Governor, dated 25th June, as of the highest moment to the welfare and advancement of the eastern province of the Cape of Good Hope.

Seconded by John Black, Esq., and carried unanimously.

Proposed by W. M. Harries, Esq., seconded by A. Jarvis, Esq., and carried unanimously—

That this meeting is decidedly of opinion, that the resources of the eastern province are abundantly sufficient to support local institutions, and a separate and distinct government from its own revenue.

Mr. HARRIES rose to propose the second resolution, which having read, he proceeded to say—Before addressing to you any observations on the deeply important subject which we have met this day to consider, I have read the resolution to which I stand pledged, because you will at once perceive that in order to support the position which I have adopted, it becomes necessary to have recourse to certain dry details of figures. I have to bespeak your indulgence, therefore, while I occupy your time as briefly as the nature of the subject will admit, in submitting some statements which I have prepared for your earnest consideration. In so doing, I appear as the very inefficient substitute of a valued friend, whose absence we cannot but deplore on an occasion like the present; at the same time, while it is a matter of especial congratulation to the eastern province generally, that his talents are called into action in a sphere where their usefulness may be more directly subservient to the interests of his fellow-colonists, which he has so much at heart, it is a source of honest pride to him that his appointment has been obtained without solicitation, and has been the result of his own indefatigable labours on behalf of his adopted country. In the circular of His Honour the Lieutenant-Governor, we are called upon to support, by such local information as we may be able to afford, the allegations contained in former petitions from Albany and other places, praying that more liberal institutions may be conceded to the eastern districts; and in another part of that circular, His Honour, with great candour, publishes a statement of revenue and expenditure, which has, as he states, been submitted to him as conclusive proof of the inability of the eastern province to support a separate government. This statement, therefore, it must be my humble endeavour in the first place to controvert. I should be loath to say that it has been wilfully framed for the purpose of misleading the unwary; but certainly a more delusive document it has been seldom my fortune to examine. The customs, forming the largest half of the revenue of the eastern province, the inhabitants of its chief port will naturally be looked to for authentic data upon this most important item. The first two documents, therefore which I shall submit to you contain, a short and simple statement, drawn from official sources, of the revenue and expenditure of the eastern province for the years 1845, 1846; and, Mr. Chairman, you will no doubt be astonished, as I was myself on examining this statement, to find that the eastern province, so far from being dependent on its elder sister, and unable to support itself, had actually a surplus in 1845 of £2,611, and in 1846 of £7,586, and this without calculating upon any duties on goods received coastwise. You will observe, on looking at

this statement, that not having access to any document showing the separate income and expenditure of this province for 1846, I have been compelled to adopt the ordinary income and expenditure for the preceding year; but as, on examination of the total returns of income and expenditure for the whole colony, I find no considerable items of increase or decrease affecting this province, I have reason to believe that it will not be found far from accurate. The returns for the former year are signed by Mr. Montagu himself, and the amount of customs are taken from the Custom-house returns, the last of which shows an amount of £10,128 for the first two quarters of the current year. The next statement, which has been kindly prepared for this occasion at the expense of much time and labour, is a detailed account of all goods received coastwise during the year ending the 5th of the present month, with the estimated duty upon them, amounting to £20,944, all which figures in the revenue of the western province. With respect to those articles called "rated," upon which there is a fixed duty by the lb, cwt., or gallon, the quantity once ascertained the calculation becomes an easy one, and upon them alone the duty amounts to £12,773. The remaining goods have been taken at a very moderate valuation. To come at the value of the manufactures, I have obtained from several merchants the average invoice cost of a number of packages received by them respectively, and I find that average, after deducting 25 per cent. for advance on original invoice, to be £30 per package. In order, however, to guard against making too highly coloured a statement, I have taken the packages at £25 each. No notice has been taken of several cargoes landed at the Kowie, the Fish River, and other places within the limits of the eastern province, where, by the last accounts, no less than 10 vessels were discharging, nor has any estimate been formed of any duty which might legitimately be laid on Cape wines and spirits. Breadstuffs and grain of all sorts it would perhaps be advisable to admit free under any circumstances. It is scarcely possible that any person should be found to deny the justice of the principle, that the consumer should have the benefit of the duty, or in other words, that where the article is consumed there the duty should be levied and expended. The payment of double duties might be avoided by permission from the Customs in Table Bay to bond for re-exportation. Having now, I trust, satisfactorily shown that you have an actual revenue of £30,000, making, with actual Customs, £50,000, and capable of being increased to £70,000, by placing goods received coastwise on the same footing as those imported from England, I proceed to lay before you a rough statement of revenue and expenditure, in the event of the eastern province being erected into a separate and distinct government. A liberal provision, by an increase on the expenditure of £10,000, has been made for the various heads of departments and new offices which it would become necessary to create. I have even gone so far as to suggest an item of £1000 to increase the salaries of the underpaid government officers, and £250 to postmasters, for I hold that no government can expect its work to be well done when its officers are most illiberally paid; and I cannot avoid remarking, that the present rate of pay to certain officers is most discreditable to any civilized government, which expects its servants to be above price, to maintain the character and appearance of gentlemen, and to abstain from all transactions for their private advantage, — and this upon a pittance which, at the advanced rates of the present day, will scarcely procure for them the common necessities of life. After allowing for this estimated addition of £10,000 to the expenditure, it will be seen that there will remain a disposable surplus of £17,000, and by far the greatest part of that enormous item of £89,613 which figures in the statement appended in the circular of His Honour as "expenditure for the general government and common to both provinces," will fall upon the western province, to which it more properly belongs. The fifth and last statement merely serves to show the progressive increase of Customs' revenue, as exemplified by the returns for the corresponding quarters for 1845 and 1846. According to His Honour's circular, the Secretary of State for the Colonies inquires, "if the evil really exists



of an absence of representation in the local legislature of the wants, wishes, and rights of the eastern districts and if that evil admits of any effectual remedy which would be consistent with the maintenance of the Central Government and legislature at Cape Town?" To this inquiry, I answer most emphatically—No! The very name of Central Government is, in this instance, a misnomer, the seat of the Government, being at the extreme end of the colony—450 miles from the confines of the eastern province, and 600 miles from its capital. Past experience has taught us too truly that the local legislature has no sympathy in our wants, wishes, and rights; their interests are not our interests—their voice is not our voice. It is not to be denied that the eastern province generally, and Port Elizabeth in particular, has been treated with chilling neglect, and that not a single suggestion for the improvement and advancement of this port has ever emanated from any member of the Government or the local legislature. Earl Grey also suggests the possibility of a compromise between the absolute centralization of all local government at Cape Town, and the establishment of a separate colony, having the seat of government at Graham's Town. I submit, in reply to this considerate suggestion, that the only compromise that I can imagine as satisfactory to the inhabitants of the eastern districts, must be based upon the principles laid down in His Lordship's masterly and statesmanlike despatch, relative to the Government of New Zealand; the circumstances of the two islands in that colony being applicable to our western and eastern districts. No! Mr. Chairman, we have been held long enough in leading-strings; it is high time that we were emancipated, and that we not only asserted, but exhibited our ability to run alone. Our western fellow-colonists may possibly deride this attempt to assert our independence, and may deprecate our cry for separation. We are constrained, however, to declare that it is their neglect that has urged the step,—it is their want of consideration that has given birth to the feeling. As long as any improvement was required for the western districts, our wants were never taken into account, and our resources have been squandered in schemes over which we had no control, and in which we possessed no interest. I should be trespassing on the province of some of those gentlemen who will probably follow me, otherwise I should be tempted to dwell, as a notable example in a small way, on the iniquitous appropriation of the monies derived from the toll of this town to purposes for which it was never intended. Never, in the history of this colony, has such an invitation been given—never has such an opportunity been afforded us, as the present. Let it not be imputed to us, that we have failed to improve it; and let us not forget that our heartfelt thanks are due to His Honour the Lieutenant-Governor for the frankness of his communication. As I have before observed in this room, a change has come over the Colonial Office; sinister influences are no longer at work, but sound practical sense, and a liberal and enlightened policy characterise the views of our present colonial minister. Let us respond then energetically to the call, and by testifying our capability and anxiety for the reception of "more liberal institutions," secure for ourselves and our children that invaluable boon and indefeasible right of British subjects—a representative government, and a voice in the management of our own affairs. [For the documents referred to by this speaker, and submitted by him to the meeting—see the report of the committee appointed on the occasion at a subsequent page of these documents.]

Proposed by Alex. Wares, Esq., seconded by C. Andrews, Esq., and carried unanimously—

That this meeting is further impressed with the conviction, that the adoption in this colony of the principles laid down in the despatch of Earl Grey to the Governor of New Zealand, for the government of those islands, would be a most advantageous and salutary measure, and would tend to strengthen and cement, in a peculiar degree, the attachment of the colonists to the mother country.

Mr. WARES said—It will be enough to confine my attention to one or two features of the charter referred to in the resolution. You will have observed that

the leading principle, indeed the foundation of the whole structure of the New Zealand charter, is, that colonists should participate largely in the business of legislation and local self-government. The bold enunciation of such a principle in the days of a past reign would have been esteemed treason. But now this sound principle is put forth by the Secretary of the Colonies himself, and that, too, under the sanction of the Queen and Parliament. You are then this day addressed with the language of the Queen and Parliament of Great Britain—surely, in your estimation, the highest and most honourable authority—and told through their well-approved servant, Earl Grey, that you colonists should participate largely in the business of legislation and local self-government. This is the language of enlightened rulers to independent and enlightened men. Is there one now hearing me with a spirit so tame, is there a man within the province, who will think less of himself than doth his Queen and country? No! let it never be said, that you are either unfit or unworthy to participate largely in the business of legislation and local self-government. And why is so much importance attached to this principle, that former systems are being overturned, to make way for a new system entirely constructed upon it? Because colonists are deemed wise and intelligent enough to know and understand their own business better than any other can; and hence it is that you are invited to participate largely in the business of legislation and local self-government. Because it is verily believed that where your own social and political institutions are concerned, you will take a lively and careful interest in promoting them by those powers delegated to you by the parent country, which in its high and, I trust, just estimate of you, has called upon you to participate largely in the business of legislation and local self-government. Because it is deemed of high consequence that a people should have a sound political education, and be imbued with an enlightened public spirit—these being considered a good basis on which to build public prosperity. Your training is to be the business of legislation and local self-government. Because now it is an admitted maxim in government, that no special or local interest ought or can exist long in enlightened communities, which conflicts or is at variance with the general interests of a country, and thus the power of self-government may be safely trusted in your hands. But, why should I multiply the reasons which may have led to this conclusion? Is it not enough that the principles and form harmonize with justice, common sense, and sound experience? They are to be distinctly traced in the constitution of the flourishing states of America,—are found in full form and vigour throughout all the British States of the North American continent, giving strength, enterprise, and prosperity to every section of that vast territory. And that the commendation may be complete, we are told that this new scheme of municipal, legislative, and administrative polity is framed with as close an adherence as circumstances would allow to the model of our far-famed English institutions. It is, then, a more perfect approach to the constitution of that highly favoured land, which we all delight in calling fatherland, that we are now deliberating upon. It is true that we are yet far behind in the arts that polish life, the inventions that accommodate, and the manufactures that adorn it. But to nurse a growing people, to mature a struggling and hardy race, to mould, to multiply, to consolidate a young community, are first considerations. And need I say more to urge you to exert yourselves to procure these institutions for the land of your adoption? Yes, I will add one more circumstance to my necessarily imperfect enumeration, and it is this, that we have some reason to believe that His Excellency the Governor and His Honour the Lieut. Governor are not unfriendly to our purpose. While this meeting then approves, let some proper means be put in immediate requisition for attaining for the eastern province as soon as practicable a participation in the business of legislation and local self-government.

Mr. MIDDLETON said—We are met for the purpose of considering questions of the greatest importance to ourselves and the eastern province generally. The proposition I have the honour to bring to your notice is, simply claiming the

rights and privileges of British subjects, viz., the right of having a voice in the councils that tax us, and some control over the expenditure of our own money. It has been shown by the statement laid before us this day, that the eastern province pays directly and indirectly a very large amount of the revenue of this colony. We therefore require that our interests should be represented and protected. The second part of the proposition I hold, is to the purpose, that we are much in want of local institutions. "It has been represented by the Secretary to Government that it is neither necessary nor expedient that the eastern province should have its own Registrar of Deeds' office, Surveyor-General's office, or board for the care and maintenance of public main roads and bridges." In reply to this, I would say, with reference to roads, that the people of the eastern province have been most improperly and incorrectly treated in the expenditure of their money on roads and works which are not in those districts from which those monies were raised, and thereby illegally expended. With reference to the other local offices required, it must be evident to all those who have had to do with the transfer of property, that the expenses in agents, powers of attorney, fees in Cape Town, commissions in Cape Town, interest on monies, postages, &c., would very much more than pay for these establishments—to say nothing of the inconvenience and difficulty of obtaining necessary documents. The people of this province feel this as an obnoxious and unnecessary expense. I beg leave to propose—

That it appears evident to this meeting, that there is a total want of representation of the interests of the eastern province in the Councils of the colony, as at present constituted, and that the inhabitants of the eastern province suffer material inconvenience from the absence of local road board, local treasury, registry, transfer, and sundry offices.

Seconded by B. Deitz, Esq., and carried unanimously.

Proposed by J. Simpson, Esq., seconded by H. Von Ronn, Esq., and carried unanimously—

That a Committee be appointed of five, to correspond with His Honour the Lieut.-Governor, and to furnish such data as may be attainable in support of the allegations which they may propound.

Proposed by W. M. Harries, Esq., seconded by Jos. Smith, Esq., and carried—

That the Committee of five members be chosen by ballot, and that Messrs. Hall and Billingham be appointed scrutineers.

The following gentlemen were chosen :—W. M. Harries, Esq., Wm. Fleming, Esq., John Black, Esq., Wm. Smith, Esq., C. Andrews, Esq.

Mr. Smith having been requested to vacate the chair, and Mr. Jarvis having been voted in his place, it was moved by Wm. Fleming, Esq., and seconded by Wm. Higgins, Esq.—

That the thanks of the meeting be given to Wm. Smith, Esq., for his able conduct in the chair, and his attention to the objects of the meeting.

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To His Honour the Lieut.-Governor of the Eastern Division of the Colony of the Cape of Good Hope, &c.

SIR,—Having received a circular, dated 26th June, 1847, issued by direction of Your Honour, in second paragraph of which I am honoured in being requested to furnish every information relative to the petitions sent by the inhabitants of the eastern division to Her Majesty the Queen, I beg leave, in reply thereto, to state, that as I am an unskilful farmer, and brought up without any education at the outskirts of the colonial boundary, I am unable to afford proper and suitable answers in such matters. I shall, however, deem it my duty to express my opinion and personal experience on certain portions and points contained in the circular:

First,—I wish, in reference to the third paragraph of said circular, to state as my humble opinion, that a legislature for the eastern division unconnected with that of the western is indispensably necessary. If this be not conformable with the arrangements of government, then that one or two members resident in and acquainted with the local wants and deficiencies of the eastern division, be appointed to attend at Cape Town at the meetings of the members of legislature; as I am of opinion that the circumstances and condition of the eastern and western divisions are so widely different, that the members of the Cape Town legislature, through ignorance of the local wants, &c. &c., of the eastern division, might frame laws for said division wholly unsuitable and prejudicial to its interests.

Second,—I beg leave to state, that I am incapable of saying anything about what the probable expense to government in forming the various new establishments referred to in the fourth paragraph would be; nor am I acquainted with the nature and subject matter of the petitions mentioned in said paragraph.

Third,—My opinion as regards the fifth paragraph is, that several and considerable alterations can be made, without as yet wholly separating the Government of the eastern from that of the western division.

Fourth,—With reference to the sixth paragraph, containing a statement of the revenue and expenditure of the two divisions, I beg leave to state that I am incapable of commenting thereupon.

Fifth,—As regards the Registrar of Deeds' office, I beg leave to express, as my opinion, that I think such establishment for the eastern division highly necessary, owing to the inconvenience and expense to landed proprietors attendant on the effecting transfers of fixed property in Cape Town, the great distance often causing considerable delay. I am unable to offer any remarks respecting the necessity of the establishment in the eastern division of a board for the care and maintenance of public roads and bridges.

Sixth,—There being mentioned in the circular but one name in this district besides my own, Van der Walt (which I presume is the now deceased Field-Commandant Van der Walt), I have, therefore, to state that I have no one who can in conjunction with me reply to the various queries contained in Your Honour's circular.

Seventh,—I beg leave to observe also, that I am not aware of any one in this neighbourhood who is able to make up and send a proper report, and I (being a farmer) am at present so much occupied in my farming pursuits, that I cannot leave my farm at the present time, without there is the greatest necessity for my doing so.

Taking the liberty, by this opportunity, of heartily welcoming your Honour upon Your Honour's appointment as Lieutenant-Governor of this division of the colony,

I have, &c.,

G. D. JOUBERT.

Hebron, District of Colesberg, 14th July, 1847.

To His Honour Sir H. E. F. YOUNG,  
Lieutenant-Governor, Eastern Province, &c., &c.

SIR,—I have the honour to enclose you copy of resolutions passed at a meeting held at Sidbury this day, in reference to your circular addressed to several inhabitants of this neighbourhood.

I am, &c.,

R. LUNGLEY, Chairman.

Sidbury, 15th July, 1847.

*Copy of Resolutions passed at a Public Meeting held at Sidbury on the 15th July, 1847.*

Proposed by Mr. Rice Smith, seconded by Mr. John Austin—

I. That this meeting have seen with great satisfaction a "circular," addressed by His Honour the Lieutenant-Governor to certain inhabitants of the eastern province, calling for inquiry as to the expediency of constituting the eastern districts a "separate and distinct" government.

Proposed by Mr. Stephanus Hartman, seconded by Mr. James Austin—

II. That this circular makes reference to a petition to Her Majesty in Council from the Uitenhage and Albany Agricultural Association, forwarded in January, 1846, praying for the appointment of a "responsible and independent Head, and for such institutions as may impart to the province the vigour and stability of which it stands in need;" and as the recent invasion of the colony by the Kafir tribes, and the loss, and in many instances, ruin, which have been sustained by numerous of the inhabitants, have given greatly increased force to this prayer,—this meeting are more than ever impressed with the necessity of having such an independent head and such free institutions as are prayed for in the petition in question, and which they confidently believe will, if conceded, save the province from a recurrence of such calamitous and sweeping disaster, as that from the effects of which it is now suffering.

Proposed by Mr. Thomas Pollard, seconded by Mr. Wm. Wall—

III. That as the questions involved in this subject are necessarily based upon calculation, as to the means of the community to support, and its ability to conduct, the institutions in question, that a committee of three gentlemen be appointed to co-operate with the committee appointed at the public meeting held at Graham's Town on the 9th instant; and who be empowered to adopt in conjunction with that committee, such measures as may, after due inquiry, be deemed expedient.

Proposed by Mr. William Christopher, seconded by Mr. William Austin—

IV. That Messrs. Robert Lungley, Rice Smith, and S. F. Hartman, be appointed as the committee above referred to.

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Graham's Town, 16th July, 1847.

To His Honour Sir H. E. F. Young, Knight,  
Lieutenant-Governor, &c.

SIR,—I have the honour to submit for your consideration the enclosed memorandum on the important subject referred to in your circular letter of the 26th June, 1847, a copy of which was addressed to me.

I have, &c.,

M. B. SHAW.

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MEMORANDUM.

The Lieutenant-Governor having done the undersigned the honour to address to him a copy of the circular, respecting the proposed separation of the two provinces of the colony, and not having been able to attend the recent public meeting held in Graham's Town with reference thereto, in consequence of being from home, the undersigned is anxious to contribute in this form his share in the general discussion of the question. Where his opinions may in any point differ from those which may be formed by the committee appointed by the public meeting, he cannot presume to suppose that they will be held to be of any value on such points, when weighed against the more authoritative conclusions at which a respectable and well-qualified committee appointed by the public meeting may arrive. He therefore merely offers the subjoined remarks as an expression of individual opinion on this important subject.

To afford the inhabitants of the eastern province a fair share of control over their own concerns, and to provide the Lieutenant-Governor the means of



administering the government with advantage to the people, and a reasonable prospect of securing general contentment and satisfaction, it seems necessary that one or the other of the two following measures should be adopted :—

I. A partial separation of the provinces ; the local or provincial government to be assisted by a Legislative and Executive Council for the administration of the internal affairs of the eastern province, such as—

1. The formation of municipalities, not only in the towns, but also in the rural districts.
2. The entire management of the road department within the limits of the province.
3. An Auditor and Treasurer-General.
4. A Surveyor-General's Office.
5. A Registry of Deeds and Transfer Office.
6. Police, Gaols, and Prison department.
7. Aborigines *within the limits of the province*.
8. Ecclesiastical and School departments.

All legislation should be confined to the details of revenue and expenditure and other strictly local objects, and not interfere with the general principles of law, affecting the rights of persons or property.

This plan would leave to the Legislative Council at the Cape the power of enacting all laws applicable to the administration of justice throughout the colony, and would moreover leave entirely untouched the present judicial system. The same judicial and law establishment that now exists might continue as heretofore, with only a few minor changes adapted to the altered state of things. It would, however, be necessary to fix, in this case, the amount which the local Treasurer-General would be required to remit to the Treasurer-General at the Cape, in aid of expenses "common to both provinces."

It will be obvious from the above, that the main features of this scheme of partial separation is to vest the eastern province with the exclusive management of all its internal affairs, without permitting any interference in the same from the Cape, excepting in the judicial and law establishment.

II. An entire division of the two provinces into separate and distinct colonies. The arguments in favour of this scheme are the following :—

1. The general government of the eastern province will cost very little more on this plan than a partial separation would do, as before proposed.

2. It would remove all perplexity which might otherwise arise between the two Legislatures, since it will be difficult to define exactly their relative powers, so as to ensure in all cases a harmonious working of these two bodies.

3. As *distinct* colonies, each province may acquire a fair, full, and satisfactory representation in its own legislature, which cannot be obtained by any arrangements, if the whole remain as one colony, as at present constituted, in consequence of the vast extent of country, and other local difficulties.

4. The division of the province into two separate and distinct colonies, would render absolutely necessary a separate judicial establishment on a similar basis to that existing in the old colony. If this could be arranged on the same efficient footing, it would greatly facilitate gaol delivery, and the general administration of justice throughout both provinces, which is one of the greatest wants experienced in every part of the colony, with the exception of Cape Town and its immediate vicinity. A more frequent gaol delivery in the eastern province would considerably reduce the estimate of expenditure "common to both provinces ;" although it would be difficult at present to arrive at an approximation of the probable reduction. Still any reform in this department which would lessen the expenditure may be really and truly considered as tantamount to so much *increase of revenue*.

5. The civil and judicial establishment for the eastern province, as a separate colony, might be formed on a respectable footing, but it would neither be necessary or expedient that it should be on the same costly scale as the establishment now existing in the western province.

On the whole, the second plan is deemed the most desirable and expedient, and would certainly give more general satisfaction to the eastern province ; but if it should be ascertained that the present revenue of the eastern province will hardly warrant the *immediate* adoption of this complete measure, then the *first plan* might be adopted for a fixed number of years, as a preparation for the more complete and perfect measure, should circumstances show that it may be introduced without further delay.

## REVENUE AND EXPENDITURE.

The total revenue of the eastern province is stated in the printed paper as being, for 1848, £39,210. It must, however, be considerably more than that sum, since the eastern province imports coastwise large supplies of manufactured and other goods paying duty, the amount of which ought to be placed to the credit of the revenue of the eastern districts.

It is not easy to state this part of the case without the official data, which have never been published, but the following is probably a near approximation, viz. :—

## REVENUE OF EASTERN PROVINCE.

Customs, as per established rates, <i>direct</i> , at least.....	£18,000
Customs, as per established rates, <i>paid at the Cape</i> , being an equal value of manufactures and other goods imported <i>coastwise</i> , estimated by comparing the tonnage of direct importations with coastwise.....	18,000
General revenue from all other sources in the eastern districts, estimated at.....	29,000
<b>Total revenue of eastern province,.....</b>	<b>£65,000</b>

## EXPENDITURE.

Local departments for 1848, as per printed paper, estimated.....	£43,000
Surplus.....	£22,000

To provide for estimated expense of new departments, viz. :—

No. 1.—Lieut.-Governor's Office (increase).....	£500
Legislative Council.....	500
Treasurer-General's Office.....	1,000
Auditor-General's Office.....	700
Registry of Deeds and Transfer Office ..	1,000
Surveyor-General's Department.....	1,300
<i>Aborigines</i> (within the limits of the Province).....	1,000
Customs Department (increase).....	600
Post Office ditto (increase).....	400

£7,000

No. 2.—*Judicial and Law Establishment* :

Chief Justice.....	£1,200
1st Puisne Judge.....	1,000
2nd ditto.....	800
Registrar and Clerks to Judges.....	700
	£3,700
Attorney-General's Office.....	1,000
Master's Office (Supreme Court).....	1,000
High Sheriff's Office.....	800
Miscellaneous.....	500

£7,000 14,000

Net surplus of Revenue over Expenditure, after providing for all the new departments on a liberal footing..... £6,000

From the above statement of revenue and expenditure, it will be seen that the revenue of the Eastern Province is more than adequate to meet the expenditure estimated for in the printed paper—although a document which places the subject in the most unfavourable aspect. It is evident there must be some discrepancy in the statement referred to, since the revenue for 1848 is estimated at about £4,000 less than *actually collected* in 1846. This supposed reduction of revenue has possibly arisen out of the very incorrect notion that the trade of

the eastern province has suffered considerable diminution, or is likely to do so, consequent on the existence of the war and its operation; whereas the reverse is the fact, as will appear from the Customs' returns, and other equally authentic sources of information.

The general revenue might advantageously be increased from the following sources:—

1. The Customs' revenue, without any additional expense, could be still further largely increased by laying an *additional* tax upon all *foreign* wines and spirits, and also extending taxation on a similar footing to that existing at Port Natal, on all wines and spirits grown and manufactured in the western districts of the colony, and *brought by sea* to any port in the eastern province. The article is so bulky that it would bear a good tax, without inducing the growers or the merchants to send any considerable quantity overland. This tax would tend to check drunkenness among the classes drinking the cheap liquors, and would be highly popular in the eastern districts.

2. A land or transfer office would speedily increase the local revenue from quitrents and sales of unoccupied government land.

3. The incorporation of a *new district*, bounded by the Kraai or Grey River, which is very much needed and earnestly requested by the Dutch farmers now residing in it, and situated as near to Graham's Town as the Colesberg district, might furnish the local government *immediately* with £30,000 and upwards, on sales of land titles, forming a valuable fund for any purpose which the local government might deem desirable.

4. These various sources would amply provide for the new establishments, which any plan calculated to give contentment to the colonists of the eastern province will require, and the well-known expanding power of the agriculture and trade of the colony will ensure the gradual growth of the revenue, so as to meet every reasonable demand upon it.

M. B. SHAW.

Graham's Town, July 16, 1847.

Knysna, District of George, 19th July, 1847.

To His Honour Sir H. E. F. YOUNG, Knight,  
Lieutenant-Governor, &c., &c., &c

SIR,—In replying to the circular letter of 26th ult., which you have done me the honour to address to me, I regret that I have not the advantage of consulting with any of the gentlemen whose opinions, on the various points upon which you desire information, have been expressed from time to time in petitions to the Home Government. Residing for the present in this remote part of the country, and having suffered the loss of the greater part of my books and papers by Kafirs, I am under the necessity of relying upon my memory in furnishing the particulars you mention.

As chairman of the Uitenhage and Albany Agricultural Association when the petition referred to in your letter was agreed to, and forwarded to Her Majesty in Council in January, 1846, I perfectly remember the objects which that petition was designed to embrace; and I may be permitted to say, that it did not recommend an independent jurisdiction in all matters connected with the eastern districts. The petitioners did not desire any alteration in the judicial administration of the Government, nor did they aim at establishing a second Registrar of Deeds' Office, or Surveyor-General's Office, or any office of the kind. But they felt the weakness of the Government in its political department, and particularly so as regarded the unsettled state of our Kafir relations, and the unsatisfactory condition of the people living on the north-east of the Orange

River and its vicinity. They saw that the power of the Government to protect themselves was gradually becoming more feeble; and they naturally applied themselves to consider the best means of strengthening what to them appeared perfectly unsafe and unsure.

Your Honour is sufficiently familiar with the history of our border policy to know, that a short time before the date of the petition referred to, a new scheme of policy was adopted by the Legislative Council at Cape Town for lessening the power of the Executive Government of the eastern districts. It was proposed to abolish the office of Lieut.-Governor, and to substitute for it an agent of the Government at a reduced salary, by which it was supposed that a saving of some £700 or £800 per annum might be effected. Such a proposition, carried at such a season, seemed to us to be significant of nothing but ill-will or incapacity of the so-called central Government to administer with advantage, to either eastern or western districts, the complicated affairs of the border country. In this state of things the Association deemed it proper respectfully to tender their opinion in favour of the appointment of a Council to assist Her Majesty's representative of the eastern districts. They considered that such a reform might be accomplished without much difficulty, and with little expense, and that it would go far in establishing a more consistent and energetic system of border government than at that time prevailed. They especially regarded the freedom of the chief (whether Governor or Lieut.-Governor) from the control of the Cape Town government as essential to the safety of the colony.

In these views I entirely concurred, and I believe they may be taken as an exposition of the opinions at that time entertained by the members of the Uitenhage and Albany Agricultural Association.

I have thought it right to give this account of the origin and objects of the petition in question, because I think it will be sufficient to satisfy the Secretary of State, that the evil of an absence of representation in the local legislature of the wants, and wishes, and rights of the eastern districts really exists, and that it has not been without long and anxious deliberation that they have arrived at the conclusion, that at least the political branch of the public service ought to be administered in Graham's Town.

I shall now endeavour to respond to the call of Your Honour, and say briefly what I conceive may be done, under the altered circumstances of the colony, to carry out the views of the petitioners. First and foremost, protection to the border inhabitants, who have for the last quarter of a century stood in the gap, and have succeeded in averting from the western districts the inroads of the barbarian hordes, at no less a cost, in many instances, than the loss of all that is dear to them;—protection to such men, I take it, must be the foundation of all the institutions which it is now sought to establish, I think with more haste than is consistent with our permanent safety. However highly I am disposed to estimate the merits of the border inhabitants, I cannot share in those professions of zeal for new and independent institutions which have been put forth, when they are not yet in a condition to maintain the integrity of their own frontier from one four-and-twenty hours to the other. It is precisely because I value the principle of representative government, which pervades the institutions of our country, I should feel myself called upon to object to their establishment in this colony, until we have some better security than we have at present for the safety of the border inhabitants. I will, with Your Honour's permission, instance the inconvenience and danger to the colony, supposing, in the present state of the frontier, the existence of a Legislative Assembly, and with it the privilege of reporting its proceedings. I think it not unreasonable to believe that the Kafirs would derive more benefit from such an assembly than the colonists. I think, then, it will be found that our interests and duty will lead us to pause before we ask for institutions which, excellent as they are in themselves, are unsuited to our present condition. My belief is, that a working Executive Council, consisting of not more than four members, elected in the manner I shall presently mention,

may be formed at a comparatively trifling expense, which would effectually strengthen the hands of the present Government, meet the wants and wishes, and maintain the rights of the frontier inhabitants, and, above all, gradually prepare the way for a more extensive application of the principles of representative government to the political institutions of the colony. In the formation of such a council as I have adverted to, I am of opinion that an appeal to the patriotism and good sense of the gentlemen belonging to and having property in the frontier districts, would be found the best safeguard for their future protection. The districts most exposed to the entry of hostile Kafirs, are Albany, Somerset, and Uitenhage. I propose that each of these districts should be represented in Council by one member, chosen by the gentlemen whose names appear in the margin of Your Honour's circular letter; and as the district of Colesberg is the nearest to the tribes and settlers on the north and north-east of the Orange River, I think it desirable that the Council should have the advantage of a representative from Colesberg, to be chosen by the same parties. I advise this mode of election, not as the best that can be found, but as what appears to me the best suited to the immediate and pressing exigencies of the border districts. The elections would be confirmed or not by the Governor, or the Lieut.-Governor acting for him, and subject to the approval of the Home Government. The duration of the Council should be limited to the return of peace and adequate protection to the border inhabitants. I need hardly say, that the presence of the commanding officer for the time being would be an advantage to the Council; and when his other duties would permit, I propose that he should be a member of Council in virtue of his office.

The expenses necessarily incident to this reform of the executive government of the eastern districts would not, I conceive, amount to more than £3,000 (three thousand pounds) annually. The members of the Council I propose to be elected would probably, for the next two years, be required to reside in Graham's Town, or at any rate away from their own property and ordinary occupations. £500 per annum to each representative of the four districts named would not be more than sufficient to meet the additional expenses incurred by his change of residence. The annual charge for the members would be £2,000; £400 to a Secretary to the Council; £300, assistants; £150, office rent; £150, stationery and other small expenses. Total, £3,000.

The statement of the revenue for the coming year furnished to Your Honour must, I think, be formed on the belief that the miserable state of insecurity in which the eastern districts have been allowed to remain for so long a time is to be perpetual. I think, on a revision of the items, the deficiency contemplated will be found to have no existence; but, supposing such a deficiency to be found, one half per cent. on the present *ad valorem* duty would give an increase of £5,000 to the Customs, taking the average imports at the official value of one million sterling.

I trust in the above statement I have been sufficiently explicit to satisfy Your Honour of the nature, extent, and expense of the reform which, for the present, I think may be effected with advantage to the government and the colonists. I think some such plan as I have, I fear very imperfectly, indicated would at least have the merit of introducing the principle of representative government into the eastern districts, at a cost of money which may be deemed inconsiderable, when applied to the attainment of a secure peace and future protection to the border colonists.

The safety of my family, and a natural wish to save the remnant of my property, have led me for the present to remain here, but I hold myself at the disposal of Government whenever my services can be made useful in promoting the security of my border fellow-sufferers.

I have, &c.,

CHAS. J. FAIR.



Maas-strom, July 22, 1847.

To His Honour Sir H. E. F. YOUNG, Kt.,  
Lieutenant-Governor, &c., &c., &c.

SIR,—I have the honour to acknowledge the receipt of your “circular,” addressed to me and other inhabitants of your province, dated the 26th ultimo, referring to certain petitions forwarded to Her Majesty in Council in December, 1845, and January, 1846, from a number of Her subjects residing in the districts of Uitenhage and Albany; and calling upon me for such support of the allegations and prayers of these petitions as my local knowledge, experience, and stake in the eastern districts qualify me to afford.

In reply, I beg leave to state, that though I have been for a considerable time altogether unconnected with the discussions of public matters, I consider it my bounden duty to afford every information and assistance in my power towards the promotion of Her Majesty’s service, and therefore cannot but sincerely regret that my ignorance of the contents of the said petitions—beyond the substance thereof, as embodied in your said circular,—disqualifies me from commenting on or supporting their allegations and prayers in detail; whilst at the same time I am bound to admit, judging by the substance thus given, that I believe I fully agree in the views of the petitioners, in as far as it has long been my decided opinion, that the office of Lieutenant-Governor, or rather, *Administrator of the affairs of the Eastern Province of this colony and its borders*, is not only a useless expense, but a positive clog to the public service, unless it be emancipated from all control or power of interference, residing anywhere beyond the limits of his own jurisdiction, except that of the Secretary of State direct, and that the administration of the said affairs by the Government, and its departments in Cape Town, has been extremely detrimental to the prosperity of the eastern districts, and has considerably retarded the development of their capabilities.

I must here explicitly protest against being understood to reflect censoriously on the said government, or any of the departments above alluded to. I not only believe, but I know, that there are, and have been, amongst them men, of the highest integrity, distinguished abilities, and exalted independence. These have always commanded my profound respect; but it is exactly because all these qualifications, combined with, no doubt, the most conscientious endeavours, have produced none but the above discouraging results, that I have been confirmed in the conviction that the dependence of the eastern districts upon the government of the west, *and more particularly the division of responsibility between Governor and Lieutenant-Governor*, have been the bane of the former province, re-acting necessarily upon the latter.

This *conviction* is derived from general principles, and I shall try to point out to Your Honour how it has been *confirmed* by the experience of late years.

I admit that I may, perhaps justly, be looked upon as feeling strongly on this subject, in consequence of the position which I once occupied, and I readily submit to the suspicion with which my opinions will, therefore, be received. I have not thrust them forward, though I have long entertained them, because I am too fondly wedded to retirement to render myself in any way obtrusive or officious; but being asked the question, I have only to choose between either declining, on the one hand, to enter upon the subject at all—which would be contrary to my sense of what is due to yourself and to the government which you represent,—or, on the other hand, giving my views with sincerity and *truth*, whether agreeable or disagreeable; whilst it will at least be at your option to decline availing yourself of this communication, if you deem it unsuitable to your purpose.

When the office which you now hold was originally created, the Royal Deed which called it into existence—in as far as I can remember, in the absence of all official record—ordained that the eastern districts of this colony should constitute a *separate* and *distinct* government, to be administered by a Lieutenant-Governor, whose *executive* powers within the said districts were, to all intents and purposes,

to be the same as those of the Governor were throughout the colony, with the following reservation, however, viz., that whenever the Governor should be present in the eastern districts, the said office of Lieutenant-Governor should, for the time being, be null and void, as if it had never existed. This reservation was no doubt judicious and expedient, at least for a period of trial in a novel measure particularly as an unknown and untried man was to fill the office, and to carry on its functions several thousand miles distant from the seat of supreme control; but I think it is to be regretted that it was not made to be understood, that the presence in the said districts of the Governor, *as such*, should not occur, except when the *suspension* of the Lieutenant-Governor became necessary. Thus, as I have said, the Lieutenant-Governor of the eastern districts was by the said Deed created to all intents and purposes the executive *Governor* of those districts; but by additional instructions he found himself placed in the same relation to the Governor as this officer stands to the Secretary of State, and this arrangement, I conceive, has worked most injuriously.

To prove this, I must beg of you to bear in mind, that the management of our relations with the border tribes was the primary charge with which the Lieutenant-Governor was entrusted. In discussing the question of the pernicious effect of all interference with this management on the part of any intermediate power between the Secretary of State and the Lieutenant-Governor, I shall studiously pass over the period of my own tenure of the latter office, in order to avoid the influence of that bias of which it would be difficult to divest myself, and of which, at any rate, I cannot expect to be entirely acquitted; so that I at once come to the first visit paid to the eastern districts by the Governor after the appointment of my successor. This took place in 1840. No one can doubt Sir George Napier's zeal for the good of the service, yet his interference or visit in this instance was most mischievous! He found in operation (though unfortunately not strictly observed) a border system, with which he had been made thoroughly acquainted upon his appointment to the government of this colony, of which he had repeatedly, after considerable experience even, expressed his unqualified approbation, and which he stood pledged to carry out. In a letter to the Lieutenant-Governor, written just before his departure back to Cape Town, he gave a most favourable view of the then state and progress of the frontier districts; yet so little had he been able, at a distance of seven hundred miles, engaged almost exclusively with matters of a different character, to keep his mind familiarized with the spirit and bearings of the said system, that he actually vitiated some of its *vital principles* (such as it would be easy to prove them, if I were in possession of the documents), whilst he believed that he was amending some *trifling details*. This was done, I believe, without the assent and contrary to the wish and opinion of the Lieutenant-Governor, who was thus left to work a vast machinery with some of the principal wheels withdrawn, or, rather, some of the screws considerably loosened. The result was a natural one, as the history of the frontier from 1840 to 1844 will show. Our border relations became, instead of a system founded on certain fixed principles of international law, a system of expedients, varying with every emergency. The powers of the border chiefs became paralyzed; redress to the plundered colonists was rendered more and more difficult, if not altogether impossible; the former became desperate—the latter justly clamorous, until mutual irritation came to such a height, that nothing short of the most uncommon political foresight and prudence could have prevented the struggle in which we are now engaged.

Fortunately, you have within your immediate reach the means of checking any of the above or following allegations, if misinformation, or reliance on memory in the absence of documents, should lead me into error; but I feel thoroughly convinced that every sentence which I have advanced, or shall advance, can be confirmed by the most unquestionable evidence, and that if the Secretary of State or the British Parliament should see fit to enter into a systematic investigation of the transactions of this frontier since the creation of the Lieutenant-Governorship

(embracing of course, the causes and conduct of the present hostilities), my facts, no less than my theories, would be found confirmed; so that it is with entire confidence that I approach the discussion of the effects of the next suspension of the Lieutenant-Governor's functions by the Governor's visit.

I have already depicted the state of affairs when Sir P. Maitland reached the frontier in 1844, but still *there did exist treaties with the Kafirs*. A governor permanently residing near the borders, thoroughly acquainted with the people and country entrusted to his rule, as well as with the neighbouring nations, and acting directly under the order of the Secretary of State, would, I suppose, if he had found those treaties broken by the Kafirs, have demanded satisfaction, and upon not receiving it—*having thus taken care to place the opposite party in the wrong*—would have regularly declared war, after having well calculated his means, and rendering failure, according to all human calculations, impossible. But the Governor, unavoidably altogether ignorant of the nature and character of the eastern districts, of the colonists, and of the Kafirs, having been but a few months at his residence, seven hundred miles distant from the scene of action,—according to the present order of things, which the petitioners desire to see altered,—had the power to, and did, set aside the Governor on the spot, of six years' local experience, and did, without any sort of reference to this functionary, and contrary to his opinion, without sufficient ground or plea, most inopportunistically and arbitrarily, in violation of the *essential principle of contracts* (whether existing between mighty nations, or humble individual cobblers), by a stroke of the pen annul the treaties by which we were bound to the principal Kafir tribe, without even an attempt at negotiation—thus placing US *in the wrong*!

The treaties, called the "Glenelg or Stockenström treaties," were decidedly and extremely unpopular throughout the colony, and I am bound to admit, not unjustly so,—certainly not from any fault of their's, at least not of the Minister of State who originated them, and whose system had virtually ceased in the middle of 1840, if not sooner, as above shown. But this is not the question *here*. We have to do with the local permanent Governor on the spot, understanding his functions and all their bearings, being liable at a moment to have his plans upset by a stranger, who may or may not have any local knowledge at all, *whilst he himself is relieved of his responsibility*, and afterwards (if he will submit to such a predicament) compelled to execute measures whereof he can throw the *onus* of failure on another. Keeping in view, therefore, this point now at issue, I repeat, "the treaties were *extremely unpopular*,"—the unlawful act of the visiting Governor consequently *extremely popular*, whilst the resident Governor, reduced to a nonentity, stood aloof *irresponsible*! Several towns were illuminated; the joy and exultation were great; but there were some few who trembled, seeing in the blaze of triumph the mere type of the more serious conflagration which was in less than two years to illumine the frontier from the Winterberg to the sea.

Now, no one questions the motives of Sir P. Maitland, but I have repeatedly asked, what England would have done if, in the late question about the right of search, when the King of the French was goaded on by the whole nation to get rid of the existing compact at all risks, Louis Phillippe, instead of resorting to the most deliberate negotiations, had by his own proclamation declared the treaty in question null and void, with a declaration that he would, at some convenient time, send Queen Victoria a more suitable contract for her signature? Why, I suppose, within a few weeks every fortification from Bayonne to Dunkirk would have been in ruins! And what would have been said of the truly wise monarch, if he had ventured thus to put his foot on the law of nations at a time when his coast was altogether unprotected, his garrisons below the peace establishment, and his magazines destitute of ammunition and provisions? The fact is, however unpopular it may be to say so, the Kafirs would have been perfectly justified if they had done in September or October, 1844, what they did in April, 1846. The Governor's act was tantamount to a declaration of war; and what is more, they would have done so too, if they had then known what we have taught them

since ; but they were wiser than we were—they prepared for the coming storm, which we did not ; and the “*lull*,” about which there has been so much talking, and writing, and mysterious speculation, was nothing more than this preparation, which drew the cattle-lifters from the colony for a season, until they found that there was yet time for a little more preliminary plundering. And that the barbarians did not consider themselves bound by the new treaties, after the unceremonious disposal of the old ones, announced to them under the terror of drawn sabres and fixed bayonets, is proved by the notorious fact that one of the most important chiefs, when he put his mark to the former, pointedly and loudly declared, “*I sign for the old treaties ;*” and this same man, on being admonished by me that he had signed the new treaties, and was bound by them, replied under great excitement—“After seeing how you respect treaties, it is immaterial to us which we sign—*war must come !*”

Now, Sir P. Maitland is no ordinary man : he stands high before the world ; and surely all this could not have happened if he had been a *resident* instead of a *visiting* Governor.

The Lieutenant-Governor would not have acted thus. He deprecated the step in the strongest terms : he declared that the Kafirs had not broken the treaties : they had been called upon to deliver up men whom we considered murderers : they had hesitated ; we had been firm, and they had complied : there was consequently an end to this difference. There was no balance against them on the compensation account. The cancelling of the treaties by one of the contracting parties was, therefore, altogether unjustifiable.

The next year (1845) a collision between some of our troops and the Griquas and some emigrant farmers, set the competent officer (the Lieutenant-Governor) in motion from Graham's Town to Colesberg ; but on his way he finds himself officially defunct, the Governor having once more entered his province by a short cut ; so that the functionary whose business it ought to have been to settle the matter in question, as his local knowledge should have enabled him to do *thoroughly*, travels back to his home *irresponsible !* Cast a glance northward and see the result ! It is clear, that if the Governor's interference in this affair was at all necessary, the office of Lieutenant-Governor is a useless encumbrance.

But more,—we see the Lieutenant-Governor even set aside when the Governor is not present in his province ; for besides the exhibition in the public prints of correspondence direct between the Secretary to Government and the Diplomatic Agents, passing by the frontier authority altogether, we find towards the close of 1845, or beginning of 1846, *in consequence of orders direct from Cape Town to the Engineer Department on the frontier*, without reference to the Lieutenant-Governor,—nay, under this officer's unqualified disapprobation, and in direct violation of existing treaties, as well as of the universal law of national rights,—an armed party of British military planning British fortifications in the Kafir territories. Now here was the lighted match applied direct to a vast accumulation of the most inflammable material.

We need not stop to inquire as to what would be the result of a detachment of French engineers being found constructing French batteries on Dover Cliff, and how the insult of the intrusion would become a thousand-fold aggravated in the eye of the offended nation by a belief in the existence of some understanding between its chief and that of the aggressors ! What would the result be at any time ? but particularly, what would it be at a crisis when the natural national jealousies had, by a combination of irritating events, been wound up to the highest pitch of excitement ! Without, however, digressing into speculations on what is obvious, and adhering to the text, I maintain that it is impossible that Sir P. Maitland, if he had been permanently resident near the frontier, with the real state of affairs before his eyes, should not have viewed the matter as the Lieutenant-Governor did, and (*being alone responsible*) should not have shrunk from so desperate a proceeding ; for it is a notorious fact, that whilst the Governor, at the distance of seven hundred miles, could believe the unopposed building of a

British military post in Kafirland possible and politic, and could even contemplate negotiations on the subject, and whilst some of our most able leading men in Cape Town considered and declared our prospects to be most promising and much improved by the new treaties, we were positively on the brink of a raging volcano, ready to overflow.

The frontier farmers have been taunted with having clamoured for war, and now having got it to their hearts' content. I shall not be accused of too strong a leaning towards my fellow-sufferers on the frontier; my bias is suspected of a contrary tendency; but this does not signify. I trust I can feel for them, and serve them without trying to blind them by flattery. We have amongst us foolish and violent men, as in every community, but we have also our due proportion of the rational, honourable, well-disposed; and I am bound to declare upon personal observation, that at the period referred to, the fears and complaints were perfectly just. There was no safety whatever for either person or property; and though I myself was cruelly cut up in the speeches of the complainants, I invariably found the principal inhabitants deprecating war, if a *secure* peace could be maintained. All this the Governor and his coadjutors seven hundred miles distant did not know! But soon effect followed cause, as the night the day. We had to recede from a false position, and this could not be done in a very dignified manner. The Kafirs had previously lost all confidence in us; they now lost all respect and fear for us, and an outrage was the result which drove us to the alternative of crushing the so-called "war-party" in Kafirland, or abandoning the Albany, Somerset, and Uitenhage districts. The former object could only be gained by the most ample satisfaction from, or the destruction of the offending chief Sandilla. For this we had sufficient strength, if well-directed; but the Governor again appeared from the distance. He had many things to be informed of; counsels became multiplied, and *responsibility divided*. Our main object seemed to be to swell the ranks of our enemies. *Submission to any terms which might satisfy us was offered, but declined*. The chief Makomo, who though very much exasperated, had the sense to see the ultimate ruin of war to his nation, and who might have been a powerful lever in our hands, begged and prayed with tears in his eyes to the last moment, to be allowed to remain neutral, and reside in the colony, but was repudiated,—driven to join the hostile bands, fought honourably and powerfully against us, and is a broken-hearted maniac in consequence! We commenced operations,—the sequel is before us. Farther comment is superfluous; and if stronger proofs than the above be necessary to convince the Secretary of State of the inexpediency of the real responsible head of the government of this frontier residing seven hundred miles distant from the main object of his care, I have no such proofs to produce.

I know that I am strongly condemned for "making the Kafirs of too much importance." I am told that it is absurd to apply to our dealings with "savages" the rules which regulate the intercourse between civilized nations; that a Governor has more important matters to attend to, and that all that is wanted on the frontier is a man who can "keep down" our troublesome neighbours, and crush them, and exterminate them if necessary. I may be wrong, but I dissent from this view of the subject. I believe the principles of truth and justice to be universal, as well as eternal; I believe them to bind the mightiest power, as well as the most insignificant community; that exactly in proportion to the pretension of superiority ought to be the inflexibility of adhesion to those principles; and that with nations, as with individuals, ultimate retribution follows in strict proportion to the observance or disregard of those only safe standards of christian and civilized duty. Nor can the question be got rid of by calling our tormentors *a mere banditti*; as it would, moreover, not be paying ourselves a very high compliment to admit, that with all our vast resources and political refinement, we have been beaten in the field, as well as in the cabinet, by *a gang of thieves*! In short, I consider the salvation of some hundred thousand of fellow-creatures, and the saving of two or three million sterling to the mother



country every ten or twelve years, besides other momentous objects, quite important enough for the *personal* superintendence of a responsible Governor.

There are other branches of the public interests of the eastern districts, — secondary, it is true, to that above discussed, but, nevertheless, of great weight, — which appear to me to have materially suffered from the dependence of the Lieut.-Governor on the government in Cape Town.

I need hardly say, that upon the creation of the office of Lieut.-Governor, the officer appointed to this post, knowing the miserable condition of internal communication, the chaotic state of the tenures of land, and the neglected condition of public education, would deem it his duty to make these matters objects of his anxious solicitude. The immense importance of the then only certain seaport within his jurisdiction was self-evident. Its natural position as the focus of concentration for the whole colony east of the towns of Beaufort and George, the whole of Kaffraria, and the native tribes and emigrant colonists extending beyond the tropic, west of the great chain of the Draakberg, rendered it a most vital desideratum that its communication with all those tracts of country should be opened up and improved. Even now, after the discovery of several landing places on the same coast, its importance is considerably enhanced, by additional coasting trade, of which it must be the general emporium; consequently good roads thence into Kaffraria, and Tambookieland, by Graham's Town and Fort Beaufort,—into Long Kloof and Oliphant's River westward,—and a great thoroughfare across the Zuurberg to Somerset, Cradock, Graaff-Reinet, Colesberg, and the territories north of the Orange River,—soon engaged the attention of the Lieutenant-Governor, who at once attempted to set on foot the plan which has since done so much honour to those who, with greater means, and wiser arrangements, have succeeded in establishing an excellent organized body of labourers for road-making. He commenced arrangements for the concentration of the convict labour at his disposal; he projected a scheme for the improvement of the convicts — though far more limited, of course, than the present successful system; and he negotiated with a competent person, who had long been in the employment of the military engineer department—a gentleman of education, who was to be appointed justice of the peace and superintendent of public roads and convict labour. But he (the Lieut.-Governor) had to apply to the Governor in Cape Town to obtain from the Council a vote for the salary of only one hundred and fifty pounds, and fifty pounds horse allowance, for the superintendent,—and *he received no answer!* The whole scheme was thus crushed in the bud. This was in 1837; and now, after ten years, the roads above specified are worse than ever; whilst less urgent, though certainly very useful, roads are being constructed elsewhere.

Nor did the land tenure question fare better. The Lieut.-Governor, from local knowledge, could judge of the confused state of numerous surveys, and the impression which the want of titles and losses caused by disputed boundaries made upon the public mind. His representations brought up to the eastern districts in succession the Surveyor-General and his deputies; but as these gentlemen did not belong to these districts, and were not directly and solely under the Lieut.-Governor's authority, the business of their department in the western districts, or other circumstances, soon called them away; and from all I can learn, little has been done to bring this branch of the public administration to a satisfactory condition.

In the matter of public schools, the Lieut.-Governor was informed that the Secretary to Government and Sir John Herschel were preparing a plan to be adopted for the whole colony. He was happy to leave so weighty a question in such powerful hands, and I believe that the colony is greatly indebted to these gentlemen. Excellent teachers have been introduced, and considerable progress has been made, but, in the eastern districts, not to the extent which would have been the result of a general superintendence nearer at hand, and under the immediate patronage and supervision of a Governor on the spot.

I might touch upon other points, but they would be carrying us into mere details; and having thus given the facts and reasonings which have led me to the conclusion on the main question, as above referred to, I may be deemed bound to suggest the best mode of remedying the evils which appear to me to exist.

I see the difficulty of the problem, and would gladly leave the solution to abler hands; for, as it strikes me that, after all, the decision must hinge upon *pecuniary means*, the absence of *sufficient* data leaves me at the mercy of my own vague calculations, and the speculations founded thereon; but even these I do not feel at liberty to withhold, and submit them with deference, knowing the information at your command for correcting my anticipations, if they happen to be too sanguine.

After deliberately weighing every alternative to which the Secretary of State might resort, I have come to the conviction, that he will be driven to choose between *removing* the seat of government from Cape Town to the eastern districts, and *separating* the two divisions, to all intents and purposes—that is, to have two separate colonies.

If the whole colony were new, Port Elizabeth, Uitenhage, or Graham's Town might at once be fixed upon as the metropolis; but, after the existence of the present capital, as such, for two centuries,—considering the many interests which have sprung up and there concentrated themselves during so long a period,—keeping in mind also the commercial importance of the western districts, with their seaports eastward from Cape Town, and rapidly improving trade on the coast northward,—and knowing, above all, that, even in a political point of view, their comparative insignificance must cease as soon as Great Britain shall unfortunately have to go to war with any maritime power,—it would be no less ungenerous and unjust, than short-sighted and impolitic, to resort to any measure that can cast the venerable old promontory into the shade, particularly since it does prove to us by figures, that whatever may be *our* predicament, *it* can maintain itself and its dependencies without us. There remains, then, only for us to show, whether we can be equally independent, and are prepared to adopt the other alternative. A great increase of expenditure must of course be the immediate consequence. Let us not forget that the strictest laws of economy do not imply cheap government, and that cheap functionaries, like other cheap commodities, are often of inferior quality; so that unless we can manage to maintain a respectable establishment, we may work ourselves into a worse predicament than the one we are trying to escape from. The efficiency of an independent administration of justice, above all, cannot be sacrificed to an ambition to show that great things can be done with small means. I am not lawyer enough to dare to venture upon the discussion of the possibility of a temporary preservation of a judicial union, with a legislative and executive separation, but I should most fervently deprecate the least vitiation of the integrity of the present judicial system; for only second to protection against *foreign* enemies, stands that against *domestic* foes—the powerful as well as the designing,—and though I was a mere distant listener during some late warm debates on certain proposed innovations in this vital department, I could not, whilst admiring the conscientious zeal of the movers in the supposed reforms, contemplate otherwise than with anxiety, the prospect of isolated judges, with necessarily extensive and (in a great degree) irresponsible powers, domiciliated in contracted spheres, and being gradually drawn into vortices of local parties and prejudices.

We must consequently be prepared to pay for *substantial* public services and justice. To increased direct taxation we will not consent. We may, in moments of excitement or enthusiasm, declare ourselves ready to make up any deficiency; but when the cool civil commissioner asks for the money, we shall demur. But let us have peace on our borders,—let us throw good roads into every nook whence produce can be drawn, where merchandize can be consumed,—there civilization will go together with necessities and luxuries. Let us so

improve our main seaport as to make it a decoy, not only for traders, but for visitors. Make other landing-places as accessible as possible,—they will certainly not destroy each other. Liverpool and Glasgow have not ruined London. There may be emulation, but there certainly is no jealousy amongst them. So with the harbours of the eastern and western districts. The Cape people are too generous to wish us otherwise than well, and our feelings are the same towards them, though there may be a little warmth on both sides at the moment. We can all prosper together. The land tenures, once settled, will also add to our resources, and all these gradually brought into action will, I confidently believe, soon enable us to stand on our own legs; whilst I beg leave humbly to suggest to the supreme authorities, that even if, in the beginning, a little assistance should be requisite, and if, as I believe, a permanent unshackled head on the frontier, responsible only to that authority itself, should have a tendency to keep peace on our borders, *a few thousand reclaimable pounds advanced towards a preventive will be found by the Imperial Exchequer but a small fraction of decennial millions lost in abortive remedies.*

I have, &c.,

A. STOCKENSTROM.

To His Honour Sir H. E. F. YOUNG, Kt.,  
Lieutenant-Governor, &c., &c., &c.

We, the undersigned, being a committee elected by the inhabitants of Fort Beaufort, publicly assembled on the 23rd day of July, to answer Your Honour's circular of the 26th June, 1847, on behalf of our fellow-townsmen, beg most respectfully to lay before you, opinions, which have been duly considered at a subsequent meeting of the inhabitants, and approved.

*Committee:*

JOHN BLAKEWAY, Chairman.	
W. STANTON,	C. HOLLIDAY,
A. S. WHITE,	J. BICE BARNES,
R. AYLIFF,	E. R. BELL, Secretary.

FORT BEAUFORT REPORT.

MAY IT PLEASE YOUR HONOUR,—

In accordance with the circular forwarded to this town, dated 26th June last, it was deemed proper to call a public meeting of the inhabitants to express their united opinions, which opinions we now most respectfully lay before you. We trust you will find in this document no feeling of partizanship or antagonism in favour of one province to the disparagement of the other. We are aware that the injury of one must affect the other; but we would prove *false* to ourselves if we did not grasp at the *first* golden opportunity afforded us to prove the allegations contained in the multitude of memorials and petitions *presented*.

Before entering on the matters for our consideration, we submit that we labour under difficulties from the want of data to answer correctly this portion of the Secretary of State's observations,—“That the petitioners demand various new establishments, but they do not explain the nature of them, nor have they framed any estimate of the expense attendant on such an innovation.” We have no record of government estimates upon which to found correctly;—therefore we beg Your Honour to look more to the spirit of our opinions, than to the details of our views.

The Secretary of State surmises the removal of the seat of government; we presume it would be alike indifferent to the eastern province whether such a step

were taken, or a separate and distinct government were established in the east. We trust we shall be able to prove the necessity of the alternative, from the disastrous events which have afflicted the colony since its first establishment, and from the incapacity of a government 700 miles removed from a province liable to sudden convulsions, where communication is extremely difficult, and often entirely interrupted.

Your Honour is pleased to state—"I feel it my duty to add, for your information, that the following statement has been recently submitted to my notice, as constituting *conclusive proof* that the eastern province cannot afford to maintain a separate government." We submit to Your Honour, whether it be fair from such data to maintain such an argument? The only year of actual expenditure cited is 1846, when the war commenced; the other two years, 1847 and 1848, are *estimated* for—*made* whilst it is raging.

Permit us to consider the subject under separate heads:—

I. Mal-administration of government in the eastern province, under heads—Kafirs and the Treaties; Judicial and Magisterial Systems; Vagrant Laws; Post Office Regulations.

II. AGRARIAN GOVERNMENT.—Registrar of Deeds and Surveyor-General's Office; Board of Public Main Roads.

III. An argument in favour of the removal of the seat of government, or the construction of a separate and distinct government for the eastern province.

#### KAFIRS AND THE TREATIES.

The Kafir nation *en masse* are a very superior set of beings to the generality of savages. They have mental faculties which may be *termed* of a high order. As in most savages, the women are the drudges of the males, and one of the main incitements to cattle-stealing is to be enabled to purchase more *wives*, or *female labourers*. The men employ their time in the manly sports of *hunting*, *war*, *guarding their stock*, and holding councils upon the politics of chiefs. In these debates great scope is given to improve their mental organs. We find most of the nation a reflective people, not easily taken advantage of, and thoroughly weighing propounded questions before reply be given. Hence all the difficulties in arranging treaties which sound *righteous to European ears*, but have *woven* meshes of wickedness to the colonists,—not only involving them in fearful trials, but laying down a written line, over which Kafir wit has been constrained by British authorities to trespass. The treaties appeared to those who have not seen the mode of carrying them into effect, well arranged and equitable in many points—such as would tend to the civilization of the savage. The colonists saw many points of almost insuperable difficulty, and the government not only saw, but alas! too late discovered, the impracticability of carrying them into effect.

The only system approaching the "*workable*" was that of Sir B. D'Urban. It had common sense for its base, and although it possessed faults they were not irremediable. But the Stockenstrom and Napier treaties were altogether *unworkable*; the Maitland treaties never came into operation. In fact, to these treaties, and the way they were effected and administered, may be attributed the whole of our present miseries, and the adroitness of Kafir plunder.

Sir B. D'Urban rightly and justifiably took possession of that country lately styled "*neutral*," and by the aid of that keen-sighted officer Sir H. Smith, humbled Kafir prowess, and taught the first lessons in civilization and christianity—industry, earning bread by the sweat of the brow. At this period, whatever might be the feelings of the chiefs, the Kafir people acknowledged the benefits they enjoyed. The colonists also felt the effect of judicious government; they saw the small dawn of amalgamation and speedy civilization of their savage neighbours. The cup was hardly raised to the lip ere it was dashed to the ground. Sir A. Stockenstrom arrived, charged with the most visionary notions of the Aborigines' Society, and the politics of the Whig Government at home; in the

most absurd, and, to the Kafir view, the most imbecile pretension to retain an ulterior command over the acquired territory, abandoned it under the futile excuse, that these savages only received occupation during their good conduct and the will of our sovereign!

He framed a new set of treaties, which called forth the ridicule of the Kafirs, —they asserting the white man knows not his own mind for two days, and that he was deserted by England. These circumstances confirmed the power of the chief, as after told by our officials, “to work evil.” The Kafir *people*, disgusted with our government, fell back upon their chiefs, and ignorantly contemning British rules, they found no course open to them so profitable as to acquire cattle from the colonists’ kraals. The authorities, fearful to provoke a war, humbly submitted to the most flagrant breaches of their treaties, which the Kafirs rightly construed into timidity. As the Executive became timid, the Kafirs became bold, and daring inroads on the colonists were perpetrated in open daylight. Several farmers were killed in pursuit of their cattle; herds were scared from their flocks, and the country at large seemed to be “laid down according to law to be plundered.” No representation of the inhabitants was regarded by either the Government or the Legislative Council,—every statement was treated as exaggeration. At last the farmers, stung to the quick by the fatal and determined deafness of the legislature, penned a *Remonstrance*, which, although not answered, is one of the most memorable documents in favour of emancipation from this political thralldom produced in the colony. Without entering upon the treaties, and the enormous amount of wrong perpetrated on the farmer, which would occupy too great a space in such a document as this, we may briefly state that all our evils, and those of the Kafirs, turned upon the pivot of foolish treaties, made with a people who could not write or read, and a government so remote and indisposed as to be unable to force the terms.

By the treaties, the farmer was bound to trace the spoor or footmark of his property from his pasture grounds to the Kafir frontier, there to deliver it to the police (so-called christianized Kafirs, but abundantly proved to be the greatest rogues extant), after which the farmer tried to prove his case, and make claim against a government which engaged to settle with the Kafirs, and to pay the farmers. But no funds were provided by the government for compensation, and to attack the Kafirs, and to recover the amount stolen, was beyond the government’s capacity; consequently, it became a question whether to wage war or to cheat the farmers? The latter was found more convenient, and adopted. The Kafir, not at all dull to the operations, saw his chance, and availed himself to the full. Emboldened by repeated plunder, he went from point to point, until a downright inroad was made upon the colony, and the *justicial* powers were arrested in so flagrant a manner as to call for retaliation. This was endeavoured to be effected, but from one cause or other it proved so immeasurably defective as to jeopard the safety of the colony.

We do not enter into the subject of the grievous wrongs of the colonists under these treaties, for they are far too many to be detailed; but we cannot pass over the cruel effects of a policy acted with savages unaccustomed to civilized government, who look upon our measures as the off-shoots of imbecility.

#### JUDICIAL SYSTEM AND MAGISTERIAL ARRANGEMENTS.

No portion of the eastern province surpasses the population and wealth of the immediate neighbourhood of the town of Fort Beaufort. Its rapid rise is attributable, in some degree, to the importance of its situation as a military position; but little doubt can be entertained that its principal importance arises from its central position in a fertile district. The mercantile transactions of this town are daily being more and more developed, and rapid as its progression, so much more is it necessary to institute a sound system of administering law and distributing justice freely at the smallest charge.



In criminal cases, the most painful exercise of patience and purse has to be endured by the inhabitants. When a culprit is arrested, he must be taken before a justice of the peace, whether 10, 20, or 30 miles off. Then the case may be removed to the resident magistrate, if distant 20 or 50 miles. If remitted to the circuit court for trial, the prosecutor is bound over to prosecute at the assize; if he cannot be relied on to appear, he may be imprisoned until the circuit sits. The witnesses, if they cannot give bail for their appearance, may be locked up in gaol. In civil cases, a circuit court is held twice in the year; so all mercantile claims must stand over until the circuit court arrives. If the case be remitted to the supreme court, the disastrous expense of conveyance of witnesses, and the consequent expense of trial before a judicature 700 miles off, precludes any case, except those of importance, coming before such a tribunal. If the case be such as the circuit court can deal with, witnesses must be warned to be in readiness at a particular day, however urgent their private business, else the case must stand over for six months longer.

Is it fit that a community of such daily rising importance, having such an amount of mercantile transactions, should only have the privilege of about three or four days in six months to make good their claims against their debtors? The justices of peace, sprinkled over the country, render little service; their powers are so limited as to preclude effectual benefit; they have not sufficient extent of legal jurisdiction to be applied to any beneficial or useful purpose.

We believe in few departments of government does practice so loudly demand a separate and distinct government for the eastern province, than the judicial and magisterial arrangements. That they are faulty, we have abundant evidence before the committee of the Legislative Council on the judicial establishments of the colony, and we have far too long and too well tried experience of the indisposition of a western government to amend measures.

#### VAGRANT LAWS.

Some form of law to restrain vagrancy has been long debated. On the eastern frontier it is deemed absolutely necessary, where roaming parties of all classes of coloured people are allowed to perambulate the country without restraint, having no means of subsistence, who assuredly live by plunder. These parties—be they Kafir, Fingo, Tambookie, or Hottentot—are unrestrained, as the pass system, which, like many others in the colony, has been a nine days' wonder,—effective when first enacted, but soon cast by, not required to be followed up to the letter and spirit of its meaning; consequently, whole districts are roamed over by idle, ill-disposed vagrants, who live upon the stock of the farmer. No doubt, many of the petty depredations attributed to Kafirs are the acts of those persons whose only house is a bush, and whose support is from theft. In towns we are not screened from this nuisance; troops of persons having no visible means of subsistence may be found. These parties are the frequenters of canteens, and congregate at night in the huts of the industrious coloured labourers. They are an incubus on society hardly to be borne; yet every representation to the western government upon the subject is unattended to, and petitions are not even followed by the seemly form of an inquiry. It is impossible to instil the confidence of security, unless the lawless and reckless life of vagrants be restrained.

#### POST OFFICE REGULATIONS.

The absence of regulation in this department is so flagrant as hardly to require comment. The deliveries of letters and newspapers are in the highest degree irregular. This arises, not from the neglect of officials, but want of method in the head of the department at Cape Town. Formerly, the post upward from the coast centered in this town, and the mails were despatched from hence

to the various inland post towns. Now, all is sent down to Graham's Town, and from thence sent inland. A letter from this to Somerset, a distance of from 50 to 60 miles, requires about fourteen days to obtain an answer! We see by published government documents when mails ought to arrive and start, but we have no experience of the law being put in practice. Indeed, ten, twelve, or twenty hours' variation is not thought of by those who officiate, whilst those who have to return answers "in course of post," have not the means to do so.

This department, which might be lucrative to a separate eastern government, is strangled by the ignorance and incapacity of the Postmaster-General, west. Such institutions cannot be carried on under the guidance of maps and reports. Personal experience, and knowledge of place and circumstances, must alone guide the head of the department. It is not necessary that we point out the importance of speedy and sure conveyance of intelligence; this has been fully proved in Europe; but we state it as our firm conviction, that the improvement in the transit of mail post can only take place under the superintendence of an active frontier postmaster-general, altogether independent of western authority.

#### THE AGRARIAN LAW.

##### REGISTRAR OF DEEDS AND SURVEYOR-GENERAL'S OFFICE.

These offices may be considered under one head, although the duties be very distinct and separate. We who are so remote from the functionaries, and so ignorant of their labours, can hardly plan or lay down a form of regulation for these very important duties being executed in the east. Efficiency is judged by its results. We in no way qualify our judgment of both offices. They are wholly and totally unserviceable to the eastern frontier; nay, further, the culpable negligence they have practised in regard to the titles to our property, has involved many of us in insuperable difficulties, and the revenue for the last twenty years has lost a vast amount of quitrent. It is notorious, that from the Koonap to the Kat River hardly one title has been issued to the original grantee. The districts of Winterberg and Tarka are nearly in the same state. Few farmers can even show their landmarks, and disputes of the most serious nature are daily arising. Property is continually changing hands, but no transfer can be given; in fact, no effectual sale can be made until the grant is finished, and title lodged with the grantee; yet these farms have been sold, *re sold*, and *sold again*, without any reference to the stringent law laid down by the ordinances of the colony.

If two offices had been organized to create confusion and discord amongst neighbours, they could not have more completely accomplished their purpose. How can the farmer settle quietly down to improve property to which he has no title, and cannot define the boundary? At what rate are such properties sold in the market? When they change hands, often some of the sellers may migrate to the interior, some die, some leave the colony for ever; the consequent scene of confusion can hardly be described, but we fear will be very long felt by us and our children.

No man is bound to pay a tax on property he does not legally possess; consequently the amount of quitrent and road tax uncollected since the original grants of land must be very considerable. This income the eastern province has been deprived of. So far as either of these offices have "sufficiently provided" for the issue of the titles to original grants, we deny that they are competent to the task, and we assert that they have been as mischievous to the government as ruinous to the grantee and his purchasers.

Transfers of property having title labour under equal mismanagement. From the unsettled state of the country, an almost constant change of position has been sought, and transfer required. The affidavits of sale and purchase are made before the civil commissioner, it may be ten or fifty miles off, and exorbitant transfer dues paid; a power of attorney to an agent in Cape Town to give title

must be drawn; an agent to receive title must be appointed; and money in advance to pay the contingent expenses must be forthcoming; even then extraordinary delays take place. In transfer from the grantee to the purchaser the course is straight and defined; yet vexatiously expensive and slow.

In towns the difficulty increases, although the evil is not so enormous. Fort Beaufort we are told has been surveyed, but no correct plan (as far as we can ascertain) exists; consequently, even the cardinal points of the town are not laid down; and now a question is lying before your Honour, to determine where Henrietta-street cuts Campbell-street and D'Urban-street. In towns rising into importance, such as Fort Beaufort, the erf must necessarily be split into many minor portions. Whether the land sold be great or small, the same extravagant expense is attendant on transfer. The main and incalculable expense is, employing agents, first at Graham's Town, then at Cape Town, who, after all, even by correspondence, cannot effect it so speedily (not to name cheaply) as the most uneducated Dutchman, had we an effective Register of Lands and Surveyor's office on the frontier, where appeal might at once be made, if requisite. We cannot conclude answering this portion of your Honour's circular, without referring to the Land Board, to produce to you the surveys of this country, which will at once show how little attention has been paid to the location of the people in this part of the eastern province; and we further invite an enquiry into the amount of quitrent lost by neglect of these offices, which would willingly have been paid by the proprietors to obtain title.

If farms granted by government had long ago received titles—if lands ungranted had been sold—if the forests had been leased—a vast amount would have been contributed to the funds of the eastern province. It would be improper to pass the matter of the forests lightly, as we see our timber fast decreasing and no means taken to supply the demand. If means be not taken to husband the growth of timber, not many years can elapse ere it cannot be found in our province.

We shall, by your permission, sum up this portion of the matters laid before us by your Honour, by asserting that in no way are we aware that the Registrar of Deeds office, or the Surveyor-General's office, have, at any time, "sufficiently provided" for the demands of the colonists, either as to original titles to lands or transfers by sale.

#### ROADS.

This department of the subject, perhaps, as flagrantly as any, shows the partial administration of funds committed to the care of western hands. We can only deal with the year 1845, as the accounts for 1846 have not reached us. We are strangers to the beneficial effects of heavy taxation, imposed under the specious pretence that, when levied, the amount raised shall be expended in the improvement of roads in its district. No person travelling in the eastern districts can find any improvement in roads from Port Elizabeth to Colesberg; all things are as they were—rather more worn out. The only considerable amount expended in our district is at Howison's Poort (not yet available to the public); the other amounts consist of £50 in Albany, and £165 in Uitenhage.

It is too palpable that the high road from Port Elizabeth to Graham's Town, and from thence to Fort Beaufort, is in the very lowest scale of improvement,—little else than the destruction of herbage, and beating out a common path through the desert; not even watercourses attended to, to preserve an even surface. The traveller, each journey, has to shape a new course, either to the right or left, to avoid some fresh gorge eddied out by the last storm. No bridges have been constructed, nay not contemplated, to cross those rapid streams which frequently interrupt communication for many days. Even government works, such as the great Queen's Road and Dans Hoogte, between Graham's Town and Fort Beaufort, are suffered to lie in desolation until impassable to military, when a "road party" is ordered out to fill up the chasms.

In the year 1845, the Central Board of Commissioners for Public Roads published the following statement of expenditure :—

Expended for the construction and repair of roads in the western districts.....	£43,564 16 9
Expended ditto for the eastern districts.....	4,588 14 1
	<u>£48,153 10 10</u>

If these figures, and the deplorable state of the high road of the province, do not bring conviction to the mind of the most partial, then all argument must fail.

Every season, communication is stopped for many days by the interruption of streams like ditches, which can be talked over, but which from their rapidity are impassable, except by bridge or other means than fording. Yet this Board, whilst lavishing large sums in the pass over Cradock's Mountain, have expended not even shillings in making the great high road of the eastern province fitted for the common purposes of traffic—indeed, fitted to ensure the safe transit of Her Majesty's mail! So wretched is the highway from this town to Port Elizabeth, that it is not safe to travel in any vehicle except a bullock wagon,—but these frequently upset.

#### AN ARGUMENT

IN FAVOUR OF THE REMOVAL OF THE SEAT OF GOVERNMENT, OR THE CONSTRUCTION OF A SEPARATE AND DISTINCT REPRESENTATIVE GOVERNMENT FOR THE EASTERN PROVINCE.

In Your Honour's circular we find the following quotations from the Secretary of State's despatch, 17th April, 1846 :—

“That, in deliberating on the advice which it might be proper to tender to the Queen on the subject to which the petitions refer, he has been impeded by a deficiency of information, and that it is not ascertained by any information transmitted from hence, whether, if the evil really exists of an absence of representation in the local legislature of the wants, and wishes, and rights of the eastern districts, that evil admits of any effectual remedy, which would be consistent with the maintenance of the central government and legislature at Cape Town.

“The Secretary of State further observes, that the petitioners demand various new establishments, but they do not explain the nature of them, nor have they framed any estimate of the expense attendant on such an innovation; and that whenever Her Majesty's Government are in possession of the requisite information, they will then be far more competent than at present to approach and decide the main question.

“The Secretary of State also adds, that it seems possible that some compromise might be found between the absolute centralization of all local government at Cape Town, and the establishment of what would virtually be a separate colony, having the seat of government at Graham's Town, and that, without undertaking to assert that such an arrangement could be made he is at least unable to assert with confidence the impracticability of such a compromise.”

We have no means to guide us how to propose a form of separate government suited to Her Majesty's pleasure, and were we to risk such a proposition, we fear we would damage our case. Our duty is to pray Her gracious Majesty to direct Your Honour to construct a separate government suited to protect our lives and properties, and to show Your Honour we have funds to defray the necessary expenses. To this end we direct our attention, not regarding complicated and abstruse questions, altogether beyond our ability.

Your Honour again states—

“I feel it my duty to add, for your information, that the following statement has been recently submitted to my notice, as constituting conclusive proof that the eastern province cannot at present afford to maintain a separate government, viz. :—

*Statement of the Revenue and Expenditure of the two provinces for the years 1846, 1847, and 1848.*

1846.

Actual revenue for 1846, collected in the western province.....	£150,708
Do. do. in the eastern province.....	43,445

Actual expenditure in 1846.

For the general government, and common to both provinces.....	£89,613
Expended for local departments, &c., in the western province.....	34,745
Expended for local departments, &c., in the eastern province.....	26,186

1847 and 1848.

Estimated revenue for 1847 and 1848.		
To be collected in the western province.....	£119,116	„ £131,137
To be collected in the eastern province.....	40,507	„ 39,210

Estimated expenditure for 1847 and 1848.		
For general government and common to both provinces ..	£65,969	„ £71,741
Local departments in western province.....	56,749	„ 61,066
Local departments in eastern province.....	39,135	„ 43,108

We cannot assent to this statement submitted to Your Honour, as affording either “conclusive proof,” or sufficient data to found the assertion, “that the eastern province cannot maintain a separate government.” We object to the generalization of amounts of expenditure, viz.: “For the general government and common to both provinces,” without even a conjecture afforded of the probable amount due by the eastern province; neither giving credit to the eastern province for the Custom dues paid on a vast amount of goods landed in the west and tran-shipped to the east. Permit us to analyse this statement, and show its true results:—

## WAYS AND MEANS FOR 1846.

	EASTERN PROVINCE.		WESTERN PROVINCE.	
Revenue .....	£43,445	.....	£150,703	
Expenditure .....	26,186	.....	124,358	
Surplus .....	£17,259	.....	£26,350	
1847.				
Revenue .....	£40,507	.....	£119,116	
Expenditure .....	39,135	.....	122,718	
Surplus.. ..	£1,372	Deficiency ...	£3,602	
1848.				
Revenue .....	£39,210	.....	£131,137	
Expenditure .....	43,108	.....	132,817	
Deficiencies .....	£3,898	.....	£1,680	

## TOTAL SURPLUSES.

1846.—Eastern Province.....	£17,259
Western Province .....	26,350
1847.—Eastern Province .....	1,372
	£44,981

## TOTAL DEFICIENCIES.

1847.—Western Province .....	£3,602
1848.—Eastern Province.....	3,898
Western Province .....	1,680

	£9,180
Total Surplus.....	£44,981
Total Deficiencies .....	9,180

Actual Surplus in the three years.....	£35,810
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*Account of the Revenue in Surplus at the termination of the year 1848.*

Total Surplus.....	£18,631
Total Deficiency .....	3,898

Actual Surplus .....	£14,733
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We need not remark further on this adventitious account; it speaks for itself, and cannot be admitted as conclusive evidence. We must express our astonishment at the rash assertion, that we cannot defray the expenses of a “separate government,” when we daily witness the prosperity of that junior colony Natal. Formerly torn piecemeal by internal and external feuds, now, by



the benevolent and paternal care of its own government, nourished by the gentle hand of peace, rising day by day into prosperity, giving good promise of becoming one of the jewels of the Crown; whilst we, with all our numerous advantages from our first settlement to this hour, have been assailed by fierce wars and plunder of savages, neglected by a government so remote as to be unable to render effectual assistance, have been a heavy drag upon the revenues of our parent country.

We beg to submit a comparative account of the imports and exports to and from Port Elizabeth and Port Natal in the year ending 5th January, 1846:—

## IMPORTS.

Port Elizabeth.....	£201,485	0	0
Port Natal.....	31,699	9	11

## EXPORTS.

Port Elizabeth.....	£182,694	0	0
Port Natal.....	10,161	12	9

*Account of Customs' Dues collected at Port Elizabeth and Port Natal, in the year ending 5th January, 1846:—*

Port Elizabeth.....		£13,543	11	3
Port Natal { Customs....	£3,415	19	4	} .. 3,749 5 4
Port Natal { Port Dues ..	333	6	0	

Yet it is asserted we have not means! If we had had a government firm and efficient twenty years ago, which could have defended our frontier, administered the treaties, and brought justice and peace to every man, some idea might be formed of what ought to have been our present position from statistics presented.

*Progress in the annual Exports of Wool, the staple article of the Eastern Province.*

YEAR	lbs.	
1840 . . . . .	401,521	
1841 . . . . .	479,828	
1842 . . . . .	811,986	
1843 . . . . .	1,263,980	
1844 . . . . .	1,481,582	
1845 . . . . .	2,308,445	
1846 . . . . .	2,085,048	{ War commenced this year in April.

*Progress of the Exports from the Eastern Province.*

YEAR	£	
1840 . . . . .	70,376	
1844 . . . . .	142,372	
1845 . . . . .	223,031	
1846 . . . . .	182,694	{ This year the war commenced in April.

In looking over the ordinance passed by the Legislative Council on the 7th October, 1845, for the service of 1846, we are somewhat startled at the amount of colonial taxation expended in Cape Town. We are aware that where the chief government exists, a great amount of taxation must necessarily be spent in upholding the machinery of government. We object not to necessary expenditure, but we do object to the taxes of the country being applied to the benefit of a town remote from the centre of the colony—to support institutions in which the public cannot participate.

In Schedule No. 1, under head of Customs' Department, we find voted to the expense of the collection of the eastern revenue £20,—collection ditto of the western, £5,400. In Schedule No. 2, headed "Educational and School Establishment," we find under Ecclesiastical Establishments the amount voted for this year for the whole colony is £10,608 14s. 6d.; of this amount Cape Town receives, £2,213 14s. 6d.—being nearly twenty-five per cent. of the vote for the whole colony. Under the same schedule, headed "Grants in aid of Schools

not on the Establishment," we find a vote in favour of Cape Town for £560; also a contribution to the South African College of £400; whilst the whole colony has accorded to it, £690. Under schedule No. 3, headed "Medical Establishment," we find

The total voted is.....	£5,749 18 10
The gross amount awarded to the country districts.....	1,284 8 0
Amount expended at Cape Town.....	£4,465 10 10

Under Schedule No. 5, headed "Police, Prisons and Gaols," we find that the Police, &c., Establishment at Cape Town is voted from the Public Treasury, for

Department of the Judge and Superintendent of Police.....	£2,279 12 0
New Police.....	3,748 7 0
Total.....	£6,027 19 0

That this force may be needful, and under excellent management, we dispute not; but why, in Fort Beaufort, are we bound to pay for the peace and quiet of those in Cape Town? Usually, each town is assessed for the support of its own police. Here it is otherwise, a whole country is taxed to support a town!

We beg to draw your Honour's attention to a section of this schedule, headed "Police and Prison Establishments of the Country Divisions," where a sum of £8,087 appears to be voted for the whole colony. This amount appears to embrace two expenditures, viz.:—

Police, gaolers, and prison expenditure of country districts ....	£5,066 0 0
Provisions, clothing, gaol necessities to prisoners and convicts, conveyance of do., and corporal punishments.....	3,021 0 0
	£8,087 0 0
Of this amount it appears that the Eastern Province is awarded	£2,020 0 0
Proportion of general expenses.....	1,206 0 0
	£3,226 0 0
To the remainder of the colony, exclusive of Cape Town .....	£3 046 0 0
Proportion of general expenses.....	1,815 0 0
	£4,861 0 0
So out of the public burthens Cape Town has voted to its service	£6,027 19 0
The Eastern Province.....	3,226 0 0
The Western Province.....	4,861 0 0

We do not enter upon the extraordinary amount of £12,090 0s. 8d., voted to "Pensions and Retired Allowances." further than to state, we find an amount awarded to "Sufferers by the late Kafir war, of £171 16s."

Under Schedule No. 9, headed "Miscellaneous Services," we find voted the sum of £8,280 18s., out of which we find the only sum payable to the Eastern Province is £100, "to aid the erection of an Episcopal Church at Fort Beaufort." Lower down, we find a vote, under head "Miscellaneous services in the country districts," £845,—of which amount we find for repair of the whole public buildings, in the Eastern Province, the sum of £520 has been awarded. These figures speak more eloquently than we can; therefore we abstain from remark. We must state that progress in the East and government in the West cannot co-exist.

Documents might be quoted to show the progressive improvement of the Eastern government under the multifarious misfortunes it has endured; although the Secretary to the Government and the Attorney-General founded solemn arguments, uncontroverted because no one was there interested in the matter, viz.,

that as the price of land had enormously risen, and the stock had unprecedentedly increased, the representations of mal-administration of government were exaggerated. It is notorious that this portion of the colony has powers of "improvement and expansion" perhaps beyond many others of Her Majesty's colonies, but if we possess this "*vis interni*," are we to be content with its opposing forces only to take what may remain, after the enemy has glutted himself with the products of our fertile soil?—we wot not. What our land produces and sweat earns ought to be preserved to us. If government means aught else but "control," it is bound to nurse and husband the exertion of its subjects, to stimulate enterprise, and preserve intact the profits of labour.

It is too futile to found arguments of safety and security upon the improvement in the value of land. What soil occupied by Britons, under any circumstances, except those of absolute war, can arrest improvement? The question does not, therefore, rest on improvement effected, but what might have been accomplished if there had been peace and security. The colonists are temperate, industrious men, who have made themselves a place in the land, but have been periodically displaced by the errors of an absent government. They have no part or portion in the fatal mistakes of its incompetent policy, except so far as they are bound to abide by the cruel results.

The executive department, in consequence of its distance from the scene of action, is constantly taken by surprise. The two last wars alighted on the colony like earthquakes—the government wholly ignorant of the Kafir purpose, and completely unprepared for defence. The periodical plunder was so atrocious and so constantly repeated as to be disbelieved by a government 700 miles from the acts of devastation. No representations could stir the inert body to vindicate the treaties and protect the people. Year after year rolled round, and each season brought its tale of woes, and prayers of the colony to the government disregarded; until Mr. Chase produced his Synopsis, which showed that the colony suffered in depredations by Kafirs, Tambookies, and Fingoes, from 1837 to 1843, as per official returns (which do not show half the actual plunder), to the amount of 2,469 horses and 11,234 cattle. This alarming statement produced no other effect in the Legislative Council than an admission of its truth; whilst the Secretary to the Government gravely assured the Council, that only about three farmers, or their servants, were slain annually in attending to their flocks, and that only five per annum were fired upon and wounded. Another member, vindicating the efficiency of the western government, amused the Council with an unseemly jest, alike derogatory to himself and injurious to the people of this province.

If further proof be required of indisposition of this council, or government indirectly interested on the frontier, we refer to the Governor's despatches before the war, and those subsequently, when he was on the frontier, wherein he states that the Kafirs must have long premeditated an attack on the colony, founding his belief upon the immense accumulation of fire-arms and ammunition which the Kafirs possessed. It is strange this government was ignorant of the circumstances, and had taken no means to ascertain the actual state of our warlike neighbours, who had invariably and flagrantly infringed the most solemn obligations. Yet it is so.

We object to a government so remote as to be incompetent to cope with the Kafirs, or prevent infraction of the treaties. We object to a government where the chief judicial court is 700 miles remote from our mercantile transactions, by which MAGISTERIAL ARRANGEMENTS of our province are regulated by those ignorant of circumstances or locality. We object to a government which has no interest in common with us to restrain vagrancy. We object to a government which, although voting the large sum of £8,803 16s. 11d., has misconducted the Post-office department. We object to a government which, in its Registry of Deeds and Surveyor's office, has deprived the eastern province of a large amount of revenue. We object to a government which has violated its own

ORDINANCES, and appropriated the funds collected in the eastern province to the roads in the western province. We object to a government which contemplated taking a loan of £300,000 to construct a breakwater at Table Bay, but which would not vote a farthing to the construction of a jetty at the then sole port of the eastern province. We object to a government which has, on two occasions, been taken by surprise by the Kafirs, and entailed upon the "mother country" enormous useless expenditure, whilst it has proved itself utterly incapable to defend its subjects. Lastly, we object to a government which has betrayed the trust reposed in it, spending the revenue of the country chiefly to support Cape Town.

We have shown that the exports and imports of our province are about seven times in amount beyond Natal, which supports a separate government. We have shown that *estimates* of our revenue and expenditure, made when war is raging, leaves the eastern province a surplus income at the end of three years of £14,733. We have shown the gradual increase of the exports of our staple commodity, *wool*,—the gradual increase of the value of our own exports, until interrupted by the dire scourge of war. From these statements we do not think we assert too much when we say—We are fully able to support a separate REPRESENTATIVE GOVERNMENT.

We cannot more pertinently state our objections to the seat of government being fixed at Cape Town, than by quoting Sir Benjamin D'Urban's despatch to the Earl of Aberdeen, dated the 26th of June, 1835 :—

"The seat of the colonial government, Cape Town, is, without doubt, ill-placed with relation to the present extent and local circumstances of the colony. At the very extremity of the peninsula which forms it, Cape Town is too far from its central, northern, and above all, from its EASTERN PROVINCES, even without the late addition of Queen Adelaide. This was not the case in the original extent of the colonial territory, but it certainly is so now, and it sometimes occasions great inconvenience and embarrassment to the public service. It is 300 miles from the district town of the province of George, 600 from that of Uitenhage, 700 from those of Graaff-Reinet and of Albany and Somerset, great part of those communications too by very bad roads.

"If the lately acquired province be retained, the distance to King William's Town will be about 80 miles farther—780.

"At such distances respectively, there are many references to the Governor, of which the decisions are unavoidably retarded to the inconvenience of the parties—many things requiring his more frequent personal superintendence, than it is now possible for him to afford, without neglecting other duties; and the provinces where that superintendence is more frequently requisite, are at once the most distant and the most valuable in the colony.

"The practical result of all this has brought me to the conclusion, that one of the two remedies is absolutely necessary, and that even without considering the new province of Adelaide. One (and in my opinion the best) is the removal of the seat of government,—the other the appointment of a Lieutenant-Governor for the distant provinces. In the last of these, besides a great increase of expense by an additional establishment, which will be considerable, I foresee great collision and want of efficient co-operation, and much resulting inconvenience to the public service. This, therefore, I cannot recommend; but I am of opinion, that the first may be applied with no comparative difficulty in executing its prospective advantages."

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Cradock Town House, 26th July, 1847.

To His Honour Sir H. E. F. YOUNG, Knight,  
Lieut.-Governor, &c., &c.

SIR,—We have the honour to acknowledge the receipt of your circular, under date the 26th June, and beg you will not consider our delay in answering it to any want of respect, or lukewarmness in the very important matters therein contained; but that we considered it necessary to have the opinion of our constituents.

First—We are of opinion that the eastern should be entirely independent of the western division of this colony.

Second—We are of opinion that a Registrar of Deeds and Transfer office should be established in every district town.

Third—We are of opinion that there ought to be a Surveyor-General's office in Graham's Town.

Fourth—We are further of opinion that it is highly necessary that a board for the care and maintenance of public main roads and bridges be established in each district town.

In conclusion, we have the honour to inform you that we have deputed Mr. Charles Scanlen, one of the members of this board, to deliver this letter to your Honour, in order that he may explain our views in regard to the various subjects embraced in your circular.

We have, &c.,

R. M. ARMSTRONG,  
J. G. VAN BUUREN.

Town Office, Uitenhage, 31st July, 1847.

To His Honour Sir H. E. F. YOUNG, Knight,  
Lieutenant-Governor, &c., &c.

YOUR HONOUR,—I am desired by the commissioners for the municipality of Uitenhage to inform your Honour that at a public meeting held at the town office on the 20th July, to take into consideration a circular received from your Honour, the following resolution was proposed and carried, viz.:—

"That it is the opinion of this meeting that a government which is united, central in its position, and in which there is an equal representation, is best suited to promote the true interests of the colony in general."

I have, &c.,

EDWARD DOBSON,  
Town Clerk.

(From the *Cape Frontier Times*.)

A public meeting was held in the town of Uitenhage on the 19th July, for the purpose of considering the contents of the circular of the 26th June, 1847, and "although the weather was unfavourable, yet more than twenty of the most respectable farmers of the neighbourhood met together." Mr. R. Restall, after fully explaining to the assembly the contents of the circular, spoke to the following effect:—He was decidedly of opinion, that it was highly necessary that there should be a separate government for the eastern districts; and the interests of the inhabitants could be better attended to by a local government than by one at a distance. Had there been a Governor on the spot, who could have watched the movements of the Kafir tribes, and who could have obtained correct information concerning them, the extensive mischief that had happened would never have taken place. There would have been a much larger capital invested on the frontier, but for the insecure state of property; and it was within his personal knowledge, that many persons from the western districts would establish themselves on the frontier, if the Kafirs were once subdued and made amenable to British law: and it was this unsatisfactory state of things which, by preventing an increase of population over the border, had occasioned in a great measure the deficiency in the revenue of the eastern districts, as compared with that of the western province. These sentiments were responded to by Mr. H. Moolman, field-cornet, and by Mr. M. Human. It was then proposed by Mr. Human, seconded by Mr. C. Lawrens, and carried, that Mr. W. S. G. Mettlerkamp should act on behalf of the meeting, which is described as being unanimous in favour of separation.



## PUBLIC MEETING AT SOMERSET.

(Extracted from the *Graham's Town Journal*, August 21, 1847.)

At a meeting held in the school-room on Thursday, the 5th August, 1847, Robert Hart, Senior, Esquire, Justice of the Peace, having been called by the general voice, as father of the district, to the chair, opened the business by reading the civil commissioner's permission to hold the meeting, and by referring to the subject-matter contained in His Honour the Lieutenant-Governor's circular, dated the 26th June, 1847.

Mr. HART then said—Gentlemen, I have now been some fifty years in this colony, nearly the whole of which time has been spent on the frontiers—the greatest proportion of it in this place. My experience in general has been great, especially as regards frontier matters, and I can only tell you that it is my opinion that each year has made matters worse. A difficulty was always found, from the beginning, of affairs on the frontiers, as regards a reference to Cape Town for orders and advice. This, of later years, has been more especially felt; and, gentlemen, I think as we have shown we are able to manage our own more immediate affairs, that surely if we can manage them, it is time we were out of the leading-strings of persons who reside some 600 miles from us, without any local knowledge or interest in our affairs. I have not the least hesitation in stating, that had there been an efficient and vigorous government on the frontiers, this calamitous Kafir inroad would not have taken place. I think it, therefore, time we had a separate, distinct, and responsible government for the eastern province. As regards the revenue, situated as we are, we can have but trifling information. This point the committees in Graham's Town and Port Elizabeth will be best able to grapple with, and indeed I cannot do better on this point than refer you to the report in the *Eastern Province Herald*, of the meeting in Port Elizabeth.

## RESOLUTIONS.

Proposed by James Perkins, Esq., and seconded by Robert Pringle, Esq.,—

That this meeting has seen with great satisfaction a circular letter, addressed by His Honour the Lieutenant-Governor to several inhabitants of the eastern districts, directing their attention to the various petitions which have been sent to the home government, praying for the introduction of more liberal institutions, and a separate and distinct government for the eastern province.

Proposed by W. D. Pringle, Esq., seconded by Robert Hart, Junior, Esq., and carried *nem. con.*—

That this meeting is of opinion, founded on long and sad experience, that there is no hope of escaping a repetition of the calamitous Kafir inroads, which have, from time to time, desolated part of this fine province, except by making it a distinct and separate government, with an efficient and independent head, that could give vigour and stability to the government of the eastern districts, of which it stands so much in need.

Proposed by G. E. Joseph, Esq., seconded by Dr. Cooper, and carried *nem. con.*—

That this meeting deems it of vital importance for the general interests of this province that steps should be taken without delay to support the allegations contained in the petitions referred to in His Honour the Lieutenant-Governor's circular, and to procure the required information as regards the income and expenditure of the eastern districts, in order to show how far the inhabitants are capable of supporting free institutions and an independent government; and that to carry out these desirable objects, a committee of five gentlemen be now appointed, to co-operate with the Graham's Town committee, who are engaged in prosecuting a similar inquiry.

Proposed by P. C. Massyn, Esq., and seconded by Alfred Peacock, Esq.—

That R. Hart, Senior, Esquire, J. Perkins, Esquire, Dr. Gill, D. W. Pringle, Esquire, and G. E. Joseph, Esquire, be appointed a committee, with power to add to their number, for the purpose of obtaining the information alluded to in the third resolution, and that all communications be addressed to them, under cover to James Perkins, Esq.—Carried *nem. con.*

Moved by G. F. Joseph, Esq., seconded by W. H. Smith, Esq.—

That Mr. Hart leave the chair, and Mr. Perkins, J. P., take it, and that the best thanks of this meeting be given to Mr. Hart for his attention to the subject-matter of the meeting, and for his able conduct in the chair.

Mr. G. E. JOSEPH spoke as follows:—Mr. Chairman and Gentlemen,—That there can be no doubt as to the necessity and expediency of our having a separate and distinct government for the eastern province, is obvious from the confusion matters applicable thereto are in at present. Look at the despatches of Governor Sir P. Maitland, and the despatches of the late Lieutenant-Governor Hare; the most careless reader, at all acquainted with the matter, must observe the absurdities and contradictions—blowing hot and cold with the same breath, paying no attention to public opinion, or advice from parties that were able and in a situation to give it, and our petitions represented as exaggerations. I do really believe, that had the people been entrusted with their own affairs, and not been treated with that scandalous indifference by the Cape Town authorities and the Legislative Council (for it is impossible to forget the speeches of Messrs. Montagu and Porter on the subject of our “comfortable relations” with the Kafirs), the present disastrous Kafir war never would have occurred. However, Mr. Chairman and gentlemen, I think we may express our confidence in the measures that our present Governor will adopt, in order to subdue the Kafirs, and establish the future security of the province on a satisfactory and lasting basis, agreeably to his words to Mr. Nel. As regards the financial data, I think we shall not be able to give much information. This will be, I have no doubt, fully embraced by the Graham’s Town and Port Elizabeth committees, who have better opportunities of getting at information on this point; but as regards the expediency of establishing in the eastern districts a Registrar of Deeds’ office, a Surveyor-General’s office, and a board for the care and maintenance of public main roads, I think we may be able to give much information. In or about 1824, Messrs. Hayward and Marsh were sent up as commissioners to inquire into and adjust the allotments or locations of the settlers. What was the result of their mission?—useless. Lately, Mr. Hertzog, and afterwards Mr. Bell, the Assistant Surveyor-General, were up here on the same business, and from all I can hear, have done little or nothing,—for I find parties complaining; and there appears as little chance of their getting their titles as ever. It is not to be supposed that parties will leave their homes for so long a period; they are all anxious to get back to Cape Town, and consequently, matters are only half looked into, and not given that attention required to bring them to a settlement. In 1824, or thereabout, the quitrent titles of the old loan places in Zwager’s Hoek were made out, and sent to Somerset, shortly after the establishment of the new district, and as they had a clause inserted prohibiting slave labour on them, contra to the spirit of the agreement on which the parties had accepted them, as at that time the government allowed slave labour generally, they were refused by the owners and sent back, the parties continuing to pay loan rents long afterwards. They were got up again from time to time. Dirk Coetze’s came last of all, and was got up for him with much difficulty; and he, like the others, was compelled to pay up the difference between loan and quitrent from the date of the grant, although not in possession of his title, which was lying in some *pigeon-hole* in the Colonial or Land Board office in Cape Town fifteen or sixteen years. I merely mention these circumstances to show the difficulties these parties have had to contend with, and chiefly through being at such a distance from the Land and Registrar offices. But the non-issue of the titles of the still ungranted request places is a subject of much more importance, as the revenue that would be derived from these places has been for several years lost,—in some instances, I am informed, thirty years, and is at present lost, and will be for some time to come, unless some active movements are made. Considerable sums of money have also been lost, that would have been paid in the shape of transfer duty, had the titles been issued; for we all know very well that these places are continually changing

owners, and lately at very high prices. It is now some twenty years since Mr. Azerond was struck off as a government land surveyor, when promises were made by the government to have his surveys resurveyed at the expense of government. What has been done in the matter?—little or nothing. When Mr. Hertzog was lately up here, going over a *part* of these surveys of Azerond's, he must repeatedly have come into contact with the surveys of the late surveyor White, which it was known must be resurveyed; yet they were not noticed, and he was permitted to go back to Cape Town, never to return. A fresh expense must be incurred to bring other persons, to go over nearly the same ground that Mr. Hertzog did, and to do the work which he might have done when on the spot. I have now told you that you have had for a short period flying visits of two Assistant Surveyors-General in the eastern districts, for the express purpose of putting matters to rights. What has been the result?—"Confusion worse confounded." It is my candid opinion (and I think I have as much right to give an opinion as most men, for I have had much experience from long residence, and am as much interested in the land question as most men in the eastern province) that unless we have a separate government, with a Registrar of Deeds' office, a Surveyor-General's office, a land board, and a road board, immediately under a resident and responsible government, we shall remain in the same confusion. Every farm should be resurveyed, and proper and correct titles given. The government would lose nothing by it; in some instances a deficiency would have to be made up, but in most cases there would be found ground between the farms belonging to government, and which would, if sold, repay the government fully for the expense of the resurvey. Titles being issued to the ungranted request places, and the sale of government ground lying waste, would fully make up our revenue, so as to enable us to maintain a separate government. If we are not at present in a condition to do so, and which I fully believe we are, the expense of a survey is not so much as some people would endeavour to make you believe. Look at the survey of the district of Colesberg, done by the civil commissioner of that district for his own edification, and for the purpose of making himself acquainted with his district. The sale of the maps of each district, if published, would almost repay the expense of surveys. Another great point: His Honour the Lieutenant-Governor signs all the grants in the eastern province, and why should he not have some control over the board that issues them? From the confusion everything is in, applicable to or belonging to the Eastern Districts, I say again, it is obvious that the central government at Cape Town cannot sufficiently manage the affairs of the eastern province. I have heard it argued, that there is a difficulty, besides the expense, of causing a separate registry to be made out for the eastern districts. I will be bound to give any two ordinary clerks a set of books for each district, and in two months they will have a complete registry of every piece of ground that has been granted or sold, in each of the eastern districts, and as every surveyor has to hand in duplicate diagrams, it would only require to look out these, and hand them over to the registrar for the eastern province. To the eastern province there must be another district added,—there is no question about it,—and which will greatly increase the revenue. It is impossible, and contrary to the nature of things, that any government can, with any degree of foresight, allow so fine a tract of country to remain in the possession of parties who profess and consider that they belong to the colony—to be left as at present, without any government or control over them. I allude to the country on this side of the Orange River, between the Stormberg Spruits and the Wittebergen, and up to the mountain range that runs at the back of Kafirland. This will comprise a vast and important division. No aboriginal tribe now existent has any claim to it; it has been for years past used by the farmers as a refuge in droughts or scarcity of pasture. When Sir Benjamin D'Urban took possession of part of Kafirland in the year 1835, this territory was included; possession was taken, and memorials were sent to government, praying for spots eligible for farms; and although again given up under the Glenelg or

Stockenstrom treaties, the parties have been residing on them ever since, in the same manner as the parties in this and other districts are doing on the ungranted request places—without paying anything, although most willing so to do, in any equitable manner government may propose. I have been informed that there are 4,000 or 5,000 farms occupied; several persons have built good, substantial houses, outhouses, kraals, &c., equal to the farms in the colony; and the farms are daily changing owners. About two years ago, I was present at the sale of one for £600, and saw the value paid down in 450 sovereigns, and two wagons valued at £150. I have heard of several of these farms being since sold at high prices. The Buffel's Vley, situated about midway between where the Stormberg Spruit runs into the Orange River and the Wittebergen, is one of the finest situations I have ever seen for a town. At the present moment cultivation is carried on to a very considerable extent by irrigation from the warm springs, situated at the upper end of the fine valley, where Mrs. De Wet has two good mills turned by the water from these springs. The greater proportion of the meal that comes to the Cradock market is ground there. In the event of a town being formed there, the Kraai River, a splendid and constant stream, could, at very little expense, be brought over this fine valley, and which would be more beneficial for agricultural and other purposes than the waters from the warm springs. Eventually, there must be a government residency in this part, to look after the Chief Moshesh and his immense clanship, which is daily increasing from all parts, and from all tribes, from within and without the colony. As regards ROADS in this division, nothing has been done. The Divisional Board addressed the Central Board on the 17th March, 1846, on the subject of the Road over the Zuurberg, a copy of which letter I will read.—

To the Secretary of the Central Road Board, &c., &c.

Sir,—I am directed by the Board of Commissioners for Public Roads of this division to request that you will be pleased to move the Central Road Board to cause a *survey* to be made, with the least possible delay, of the intended line of main road from the Uitenhage division over the Zuurberg, and through this division, in order that this Board may be better guided, in recommending for the approval of His Excellency the Governor which shall be the branch roads of this division.

I am further directed by the Board of this division to convey to the Central Board an expression of its willingness to co-operate with the latter Board in every way practicable, in forming the main road over the Zuurberg; and also to state that, even if it were necessary to devote the greater portion of the rates to be levied by the Divisional Board of this division during the present year, that the Board would feel no hesitation in applying the amount towards that purpose, which is one of paramount importance to the divisions of Somerset, Graaff-Reinet, Cradock, and Colesberg.

(Signed) C. HAW, Secretary.

This letter the Central Board never acknowledged, nor gave any direct answer to it. I suppose such matters are not to emanate from the Divisional Boards—the Central Board not requiring an opinion, or advice, or anything to originate from the Divisional Boards. Indeed, I cannot see for what purpose the Divisional Boards are formed, or what use they are of. On the second of April, 1846, the Central Board addressed this letter to the Divisional Board:—

Office of Central Board of Commissioners of Public Roads,  
Cape Town, 2nd April, 1846.

SIR,—It being the opinion of the Central Board of Commissioners of Public Roads, that the opening of a pass through the Zuurberg mountain range is a work of greater importance, and more beneficial to the general interests of the divisions of Colesberg, Graaff-Reinet, Cradock, and Somerset, than any other which they could perform for these divisions; I am directed by the Central Board to acquaint you, for the information of the Divisional Board of Somerset, that the Central Board purpose, so soon as the new road over Cradock's Mountain is finished, to employ the two gangs of convicts now at work there in opening a road through the Zuurberg; but as the execution of that work will involve a considerable expense, the Central Board are not in a position to undertake it, without the co-operation of the Divisional Boards; and I am accordingly instructed to request that the Divisional Board of Somerset will be good enough to inform the Central Board, whether, in the event of the Central Board undertaking and completing the work in question, the Divisional Board of Somerset would be content to consider the expenditure upon it of the rates the Central Board may levy in that division equivalent to, and in lieu of any expenditure being made by them upon the main roads through that division, and also whether

the Divisional Board would feel disposed further to contribute towards the same work any portion of the rates they are empowered to levy, and if so, to what extent? A similar communication has been addressed to the other three Divisional Boards, and the Divisional Board of Uitenhage has also been applied to for assistance from the levies which that Board are empowered to make; as it is necessary that the Central Board should ascertain what aid they may calculate upon, before undertaking so expensive a work. Until a survey and estimate have been made, it is not in the power of the Central Board to state what amount will be required for the work; but it is believed that to do it effectually and permanently, it will require a very large sum.

I have the honour, &c.,

W. TENNANT, Secretary.

Now, this is all very well; it is true the Divisional Board have offered to give the greater portion of the rates to be levied by them during the year 1846, and any further assistance that may be in their power; but why the Central Board should require the Divisional Board to agree to be content to have all the rates collected in this division laid out on the Zuurberg mountain pass, which is principally in the Uitenhage division, in lieu of any expenditure on the main roads through this division, is a sort of logic I do not understand. I consider that main roads must be made from Port Elizabeth to Somerset (branching off to Graaff-Reinet on this side of the Zuurberg), from Somerset to Cradock, and from Cradock to Colesberg. The Central Board are very parsimonious all at once! The road over the Cradock mountain, in the district of George, and where so much labour and money have been expended, is useless in comparison with the opening of the Zuurberg mountain pass. How frequently have we hundreds of bales of wool and other produce lying in this town, Graaff-Reinet, Cradock, and Colesberg, for months together, not able to get transport, the roads being in so bad a state? It would have been all very well if the Central Board had confined themselves to the improvement of the roads leading from the productive divisions to Cape Town, but that enormous work in the district of George should have been left. It is certainly a long time since I was in that part of the colony, but it must have improved very much in productiveness to warrant such an outlay of money and labour. As it is, it must be finished, but at the same time other parts must not be neglected, and we must look to the improvements in the eastern province. On the 11th December, 1846, the Central Board again addressed the Divisional Board:—

Office of Central Board of Commissioners of Public Roads,  
Cape Town, 11th December, 1846.

SIR,—I am directed by the Central Board of Commissioners of Public Roads to acquaint you, for the information of the Divisional Board of Somerset, that the Central Board will, about the middle of next year have a body of 300 convicts at their disposal, and they are anxious, therefore, to ascertain from the Divisional Board what line of main road they would consider best for the division of Somerset, which would afford work suited for convict gangs; bearing in mind, of course, the general interests of the colony, as well as the advantages to be derived by the division. The Central Board are at present of opinion that the opening of the Zuurberg mountain pass would be the most important work which they could undertake for the eastern divisions of the colony, as the construction of a road through these mountains would afford greater facilities of communication, and for the disposal of produce, than any other. I am therefore instructed to request, that the Divisional Board of Somerset will favour the Central Board with their opinion; and with every information which they may be able to afford upon the subject.

I have the honour, &c.,

W. TENNANT.

Somerset, 5th March, 1847.

To the Secretary of the Central Board of Commissioners of  
Public Roads, Cape Town.

SIR,—Having this day submitted your two letters, dated the 2nd April and 11th December, 1846, to a meeting of the board of commissioners for public roads for this division, I am directed by that board to acquaint you, for the information of the Central Road Board, that, the opening of the Zuurburg mountain pass would be the most important work which could be undertaken for the benefit of the eastern divisions of this colony, and that they concur in the opinion expressed by the Central Board that in order to render every assistance towards the completion of that work, the Divisional Board here are willing to give up all claim which they may have in the expenditure upon the main roads of this division of the rates already collected in behalf of the Central Board, provided the whole amount be expended in the opening of the pass in question; and, further, that in addition thereto, they are empowered to levy, and which is already due, but not yet collected, in consequence of the present Kafir war, the sum of



£500, which latter sum alone is, in the opinion of this board, sufficient to open the pass from this side to the boundary line of Uitenhage division. Moreover, I am directed to add, that as the work proceeds, the Divisional Board here will be better able to judge of their means for contributing a further sum, and should such be necessary, and they able to grant a further contribution, great pleasure will be felt in so doing. With respect to the latter paragraph of your letter of 11th December last, I have been desired to state that, in the absence of any survey (the necessity of which was strongly brought to the notice of the Central Board in my letter of the 17th March, 1846), it is the opinion of the Divisional Board, that the road in rising the mountain from this side, should pass the place of the Widow Watthys, descending on the other side, near the place called Scheepcr's Slag Boom; that line being, in the opinion of this board, the most direct between Port Elizabeth and Colesberg, and at the same time equally suitable to the general interests of this division. But before this important work be commenced, the board of this division most urgently recommend the Central Board to cause a proper survey to be made of the proposed line, in order that, should the one now recommended not prove suitable, another may be fixed upon. Further, I have been instructed to request that in sending the body of 300 convicts, referred to in your letter last-mentioned, to work at the pass in question, no Fingoes, Kafirs, or native foreigners may be forwarded, as the mountains over which the pass must be carried, form one continuous range, densely wooded, to near the borders of Kafirland, and it is feared that ill results might ensue from an endeavour by them to rescue their countrymen. I regret that the circumstances of the country should have prevented an early reply.

I have, &c.,

C. HAW, Secretary.

Mr. Chairman and gentlemen, this is all the information I can give you as regards the roads. This is August, and we hear or know nothing of the 300 convicts, or any attempt at beginning to open the Zuurberg, even by way of survey. The Kafir war is, perhaps, in some measure, the cause.

Haddon Camp, 6th July, 1847.

To His Honour Sir H. E. F. YOUNG, Kt.,  
Lieutenant-Governor, &c., &c., &c.

SIR,—I saw yesterday one of the circulars at Mr. Temple Nourse's, which you have directed to be sent to several individuals therein named; and although my name was not deemed worthy of being of the number by those entrusted with the selection for Your Honour's information, yet I feel confident that Your Honour will not consider me intrusive; particularly as you state that, in case of omission of any names, you will equally weigh any statement bearing on the subject, which may be sent to you in writing.

It is not my intention to intrude on Your Honour's time at the present moment. The subject is momentous, and has been much canvassed by those of us who have finally adopted the colony as our residence, and those of our families and their connexions. We have had reason to alter our pre-conceived wishes for institutions suited to the mother country, and having amongst my papers a letter of my friend Mr. Chase, with whom I have cordially acted for years, I take the liberty of enclosing it to your Honour, as evincing, in some measure, some resolutions we had mutually agreed on. Centralization is our great object, and although there are difficulties, yet it is presumed not insurmountable.

I have the honour to be, &c.,

THOMAS PHILIPPS, J. P.

*Enclosure in Mr. T. Philipps' letter of 6th July, 1847.*

(From the *Cape Town Mail* of December, 1846.)

THE EASTERN PROVINCE COMPARED WITH THE WESTERN PROVINCE  
OF THE CAPE.

To "An Inhabitant of the District of Stellenbosch."

Cradock Place, Uitenhage District, 10th December, 1846.

SIR,—You have the advantage over me, knowing my name. Ignorant of yours, I am doubtful how I should address you—whether Sir or Madam. I fancy you have assumed a *nom de guerre*, and that your "*locale*" is nearer Cape

Town than Stellenbosch. I may be mistaken, for I know of no reason to fancy talent and kind feeling to be confined to Cape Town. It matters, however, not; the courteous and gentle tenor of your communication of the 20th of November, addressed to me, demands a reply, but still more its important nature.

Your compliments I appreciate at their value, with the hope that some future day may witness them deserved.

I congratulate myself, and the country, that I have at last awakened a champion for the western province,—that an interest has begun to be excited in the great questions connected with this fine colony. I rejoice to see the press of the western division proud of you, and demanding attention to the subjects of your confessedly clever communication; and I am ready to join issue with you, in an *amicable suit*, on the relative claims of the provinces whose interest we respectively advocate.

I reply to your challenge; but I have not assumed your device or title. Excuse me, sir, if I submit for the term *opposed* the word *compared*. I wish not to recognise for an instant anything in the shape of opposition. Instead, therefore, of “the eastern province as *opposed* to the western,” I would recommend the expression *compared*. The comparison may probably end in a *contrast*.

I regret that the utterance of my opinions should give sorrow to any well-wisher of this our common country; but I assure you, whatever I have stated, whether privately or publicly, I conscientiously believe, and am ready to maintain *a l'outrance*, and that I see no reason whatever for re consideration. “The painful situation in which the colony is placed” gives, I think, strong reasons for adherence to the opinions I have stated, and demands no re consideration. In sober truth, the “painful situation” of the colony to which you refer (you should rather have said the painful situation of *this frontier*), I consider favours my argument, while it weakens yours.

You quote a statement I made at a certain recent public meeting, held at Port Elizabeth, in which I recommended SEPARATION of the two provinces of this colony, or a REMOVAL of the common seat of government. Sir, I am not a *separatist* or repealer from *choice*. It is the government, or rather the misgovernment, of the eastern province, that forces the alternative upon me. I desire centralization—in fact, condensation, union; but I see no chance of such a happy consummation, while the councils of a whole colony, so vast as this is, are to be gathered together under the beetling brows of Table Mountain. The old man's fagot is a pretty allegory, but I fancy he never contemplated its biggest and supporting stick should be placed on the extreme side, instead of the centre of the bundle.

You complain that “I allege the eastern province has been systematically sacrificed to the Table Mountain government;” and you refer to my citations of various particulars, in which I have shown the Cape Town or western Province has become, through unfair or sinister means, improperly in advance of the whole of the remainder of the colony. You are, therefore, evidently aware of the instances I have adduced for my position; and it is consequently unnecessary for me to repeat them here. But, sir, let me remind you, that in no one case have you attempted to combat or disprove a single item of the “various particulars” to which you allude, and which I have frequently brought to public notice. I consequently hold my facts intangible.

In contrast to the general spirit of your communication, you seem to tax me with that basest of all feelings, envy. Envy at the progress of the western province! Why, sir, of what have we settlers of yesterday—of twenty-six years existence only—to be jealous of you, the occupants of a peaceful and established territory of two hundred years? Look at the proofs of our relative progress,—count our steps on the line of march with yours. We can afford the comparison. Here commences the *contrast*.

You take your stand—you have chosen your own ground—you have planted your ensign—on behalf of the western colonists as to *one* (I say the *chief*) “count” of what you are pleased to denominate my “heavy indictment;” and that is,

that "the Legislative Council does not represent, but misrepresents us; a Council which taxes us without our consent,—whose members have interests opposed to our's,—who know us not,—and in whose professions of sympathy we have not the smallest confidence."

No part of this "heavy indictment" do you attempt to deny. You allow it to slip through your fingers. You make no effort to defend or extenuate the conduct of the Council, but tell us that so far back as August, 1841, the Cape Town *public*—indeed, its very *élite*—unanimously resolved that an appeal should be made to the home government for a more fitting and higher organization to be conferred on the settlement; and that, above all, for the present Legislative Council there should be substituted a freely elected REPRESENTATIVE ASSEMBLY. That was done five years ago. *Cul bono?*

And here, sir, are we decidedly at variance.

You appear to fancy that a small clique or party in our community, no better than old women (save you from their clutch!) or children, has, from ends narrow, sectarian, and unworthy, relaxed its zeal in pursuit of good government, through the means you consider the best calculated to ensure it. I am ready to confess, that no one was more sincere than myself in the creed that "*elective representation*" was a cure for the evils we have had so long to endure, or more zealous in advocating it; but I have lived long enough to see through my error: and I here place upon record my present belief, that no greater curse could be inflicted on the people of this colony than the grant, at the present time, of a representative body, and the more especially, if its seat was fixed in the western metropolis. My objection, you will see, refers to time and place.

This colony is, I regret to say, not yet *ripe* for such an institution. It has yet to go through a course of education for that purpose, by municipal establishments and other popular means. One of its chief deficiencies is an aristocracy of wealth. The community commands neither men of property, men of leisure, men of mind, nor men of public spirit, to form a South African Parliament. You, sir, cannot be unacquainted with the fact, that even for the purpose of the present imperfect Legislative Council, the government could not secure members for even two of the country districts. One gentleman, my respected father-in-law, F. Korsten, was named by that great and good man, Sir B. D'Urban, for the Uitenhage division, but declined the flattering distinction on the score of age, distance, and expense; and another, Mr. Du Toit, soon surrendered his seat, to be filled by an inhabitant of Cape Town.

Sir, I ask you, should the home government entrust us with the dangerous privilege, *at this moment*, to be

"Lords of ourselves—the heritage of woe,"

*where* you would find members for your Utopian Representative Assembly? Out of the thirteen districts, could you count upon one—one single member—from the western divisions *out* of the Cape?—one from the eastern province? Who would be your member for Worcester, Clanwilliam, George, and Beaufort? Who, in the entire eastern province, could you find fitted, able, and willing to undertake a journey and voyage to Cape Town,—spending there probably six months of the year at least, and it is impossible to say how much money? I know you could not find such men. The Cape, perhaps Stellenbosch, your residence, and that beautiful village, my especial favourite, the Paarl, might command representation; but outside this, your assembly would be formed of the OLIGARCHY of Cape Town—an oligarchy in which *Dutch* interests—(I intend here to speak with high respect of the Dutch, with whom I am closely connected, and whom I dearly regard)—would prevail, and frontier interests be disregarded.

Sir, we have not yet the elements of political representation in this colony. I assure you of the fact, that out of, say, some two hundred members of our whole community of 200,000, supposing them to be eligible as members of the representative assembly, not one eighth have been instructed even in the very topography of the country of their birth. They are ignorant of the extent of

their various districts, the population, the nature of its soil, the value of its products; for, long as the British schoolmaster has been amongst us, we have not one elementary work on the geography, topography, or history of this colony!

I admit the weight of evidence in favour of the "elective representative system," but this is for countries much more prepared for the "boon" or "right" (which you will) than South Africa. I, therefore, invoke what you are pleased to call the "more violent remedy"—I think the more simple—and that is, *centralization or separation*. I prefer the former. If the seat of government were removed to some central spot, say George, Uitenhage, or Graham's Town, I believe Her Majesty would be able to command the service in *council* of many able and intelligent men, who for a short session would sacrifice time and some expense in behalf of the common good,—men who would ride some 150 to 200 miles to the metropolis—who, among their friends, would incur but little expense, but who object to a voyage by sea, or a long journey to Cape Town of 600 miles, and long tavern bills thereon incident. You invite me without delay to unite with our brethren in the west in supplicating for a representative government. I regret I cannot do so *now* conscientiously. At some future period it may be advantageous; at present it would not be wise, because it is not practicable.

It is painful, sir, to be forced into these almost humiliating revelations; but, alas! they are too palpable to be concealed, and I fear your remedy would prove worse than the disease itself. A bad governor or an unrighteous magistrate may be supplanted, a corrupt or imbecile council removed; but once saddle yourself, in the present state of the colony, with a parliament of your own choosing, where a proper constituency does not exist, and you impose a radical sit-fast on the community, which no political surgery could eradicate—you raise a demon worse than Sinbad's old man of the sea, which you would never be able to shake from your unfortunate shoulders.

I pass on to other parts of your letter. You seem to imagine that the eastern province is dependent upon the western for its *defence*, and that if disassociated, neither the western province nor government would feel disposed to protect our "section" or "fraction." We, sir, are grateful for the kindness, the alacrity, the sympathy shown by the ready and brave burghers' aid which the western province gave us in our dark hour of need and peril. It were wicked, ungenerous, and disingenuous to deny its use and value. But leave us to ourselves; let us manage the Kafir wars (provoked by negligence, and mismanaged by imbecility) after our own fashion,—let us manage them, as no doubt the western burghers would have done if not restrained,—and depend upon it, sir, we should require no aid beyond the Gourits River.

You seem to me, sir, too prone to believe the threadbare assurance, that we are to see "*no more Kafir wars*," and that therefore the chief claim of the eastern province for a separate or central government is dissolved. I have lived to witness the effects of three of these periodical outbreaks within the space of less than twenty-seven years. I have heard the same language used on each occasion; and I have not such confidence in present measures as to believe that I may not yet see a fourth, when the fatal cycle of nine comes round again; and I dread I shall leave my children and grandchildren this wretched inheritance, unless a voice in the *council* of a *frontier* government is secured to them.

Your *capital* question about a CAPITAL—I excuse your pun—is soon replied to. It is *not* fraught with complications. "Facilities of access, external as well as internal, its capabilities of defence, the proximity of means of sustaining a dense population, with a view to prospective, perhaps indefinite, extension, are among the considerations which must weigh with every undertaking to found or constitute a capital." I accept, sir, your own definition; I employ your very expressions, and I find in Uitenhage—what I in vain seek for in Cape Town—all that you proposed, and even more. If you desire me to bring up evidence to the facts, I am ready to do so, but I wish to spare you and the public unnecessary repetitions.

Your last, and I should therefore have looked for your *strong* point, your trump-card as a reserve, is the *back country* of the western province, which you contend may, with equal, or nearly equal, propriety, be urged in reference to both the middle portion and the eastern. Look around you, sir, you are "cribb'd, cabin'd, and confin'd." Like Sterne's starling, you "can't get out," but seem not to know it. You advert to some vague "*new lights*" which are about to dawn upon your prospects, but do not tell what they are; you say there are anticipations by many of increased or improved returns of wool and of wine. Thank heaven, we have not the last, and I wish your's was better; but wool—our *staple*—beats you hollow, and must continue to do so. Your province never can compete with this in that commodity; the rate of increase between the two is triumphantly in our favour.

*Back country!* aye, sir, there's the rub! Your province has two sides bounded by the interminable ocean, another by the eastern province, the fourth by the Orange River, beyond which stretches the Kallehari desert, impenetrable by man. Two-thirds of your province is karroo—useless. The density of population in the western province is less than by one-half that of the eastern. Its revenue does not meet its expenditure except by drafts upon extraordinary sources. But what of the eastern province? Not one tenth of its extent is karroo. A large portion is **ESSENTIALLY ENGLISH**. It is half the size, with double the density of population; its imports are nearly equal, as well as its exports. The western province is 200 years old, the eastern 27.

But the *prospects* of the eastern province infinitely surpass those of the western. A rich space of TEN THOUSAND square miles is *now* about to be added to the eastward of this portion of Her Majesty's domains. Other territory to the north must fall in ere long, of much greater extent. British sovereignty in South Africa will, in no distant day, be bounded by Delagoa Bay and the tropic; embracing countries fertile, and fitted for every description of stock and produce, and without the intervention of a single tract of desert. And will you, sir, with our present possessions, and our prospects for the future, confine our government to Cape Town? You are not, you cannot be so unjust.

I have, &c.,

JOHN CENTLIVRES CHASE.

#### PUBLIC MEETING AT SALEM.

(Extracted from the *Graham's Town Journal*, August 14, 1847.)

Pursuant to notice, and by permission of His Honour the Lieutenant-Governor, a meeting was held at Salem on Wednesday, the 11th August, to take into consideration the circular of the Lieutenant-Governor on the subject of the separation of the provinces. The meeting was more numerously attended than any of a similar kind which has been held at Salem for several years. W. H. Matthews, Esq., J. P., presided on the occasion, and the following resolutions were unanimously adopted:—

Moved by Mr. George Impey, and seconded by Mr. Wedderburn—

That this meeting views with great pleasure the circular of His Honour the Lieutenant-Governor, of the 26th June, and regards the subject contained therein as of the greatest importance to the inhabitants of the eastern province.

Moved by Mr. R. Gush, and seconded by Mr. J. Filmer—

That this meeting is of opinion, it is highly desirable the eastern province should have a responsible and independent head, without which they are apprehensive their interests will be neglected, as they have hitherto been.

Moved by Mr. P. Amm, and seconded by Mr. James Long—

That this meeting highly approves of the appointment of the committee at the public meeting at Graham's Town, on the 9th July, to collect information on the subject referred to,



and recommends that three gentlemen be appointed to co-operate with that committee, and take such measures as they may consider necessary for forwarding the object in view.

Moved by Mr. G. Wedderburn, and seconded by Mr. W. King—

That Messrs. Matthews, Impey, and Livingstone be appointed the abovenamed committee.

In the course of the few observations that were made during the meeting, one fact was named, strongly illustrative of the desirableness and necessity of the measure now in view. Mr. Filmer, one of the oldest settlers (and great numbers besides Mr. F. are in the same predicament), stated that he had now been in the colony about 27 years, but had never yet been able to obtain a title to his land. It is true, the meeting was informed by the chairman that this subject, among others, had come under the notice of the Lieutenant-Governor, and that titles would shortly be furnished. But may it not properly be inquired—"Could this state of things have existed for such a period, had the eastern province had an efficient and resident government?"

## PUBLIC MEETING AT BATHURST.

(Extracted from the *Graham's Town Journal*, 21st August, 1847.)

On Monday, the 16th August, pursuant to public notice, a public meeting of the inhabitants of Lower Albany was held at Bathurst, for the purpose of taking under consideration the questions raised by the "circular" of the Lieut.-Governor, as to the capability of the eastern province to maintain a separate and distinct government.

The meeting was held in the public school room, which shortly after noon was filled by a goodly number of respectable landholders from the surrounding neighbourhood. Every resolution proposed was carried *nem. con.*

W. Cock, Esq., J. P., of Richmond (mouth of the Kowie), being called to the chair, commenced the business of the meeting by reading the reply, in the affirmative, of the Lieutenant-Governor to the requisitionists, desiring permission to convene a meeting of the inhabitants for the purpose above stated.

The chairman observed that he felt great satisfaction in meeting them on that occasion, and which he deemed to be of the greatest importance to the whole country. The origin of that meeting was to be found in certain petitions which had been sent to the home government from that province, complaining that the people were not represented in the councils of the colony, and praying that an officer, armed with perfectly independent powers, might be appointed to administer their affairs. Those petitions had, it appeared, made a great impression on Her Majesty's government, and hence the inquiry was now made as to their ability to maintain and carry on that separate and independent government for which they had prayed. He thought, from all that had been adduced, and after giving to the whole subject the best consideration of which he was capable, that they were in a position to enter upon the duties in question, and to maintain their own establishments, without being at all dependent upon the western districts. He was persuaded of the necessity of such a separation; for it was notorious that the inhabitants of the eastern districts were not represented in the councils of the colony, and that their representations to the council had not met with that attention to which they were entitled. He did not impute any bad motives to the members of Council. Their intentions, he doubted not, were good; but it was certain that they had greatly mismanaged the affairs of that province, and that great disaster had happened in consequence. Under those circumstances, he deemed the question of an independent government for that province of the highest moment to the community at large; and hence he felt peculiar satisfaction in meeting them on that occasion. They were called upon to make a united effort—to adopt the Cornish motto, ONE AND ALL! The chairman concluded

by calling upon Mr. Thos. Berrington, of Port Frances, to move the first resolution, as follows :—

That this meeting regards the “circular” of His Honour the Lieut.-Governor, dated the 26th June, addressed to certain inhabitants of the eastern province, calling for inquiry as to the expediency of constituting the eastern districts a separate and distinct government, as of the highest importance to the future prosperity and advancement of the eastern province.

This resolution was seconded by Mr. J. Goldswain, of Bathurst.

The second resolution, moved by Mr. W. Cockcroft, and seconded by Mr. Purdon, sen., was as follows :—

That it appears evident to this meeting that the interests of the eastern province are not represented in the Legislative Council of this colony, as at present constituted.

This resolution was supported by Mr. Thos. Peel, of Trapps’ Valley, who made some pertinent observations as to the incapacity of the Council in Capè Town to understand, still less to manage, the affairs of the eastern province. The British government, observed the speaker, had been blinded by the misrepresentations which had been continually sent home; but they had at length been aroused, and their eyes were now propped open by pounds, shillings, and pence, and he trusted that the result would be the severance of a tie which had entailed upon them a series of such serious disasters as those which they had recently experienced. As an individual, he was for an entire separation from the western districts, and unless this were effected, he should have very little hope of the future prosperity and peace of the country.

The third resolution was as follows :—

That this meeting is impressed with the conviction, that the adoption, in this colony, of the principles laid down in the despatch of Earl Grey to the Governor of New Zealand for the government of those islands, would be a most advantageous and salutary measure, and would be found admirably adapted to the circumstances of this country.

Mr. GODLONTON, on being called upon to move the above resolution, remarked, that on no previous occasion had he presented himself to their notice more deeply impressed with the importance of the occasion which had called them together. He was a resident of Graham’s Town, but notwithstanding that, he did not shrink for an instant, when called upon by them, in coming forward. He was bound by an ever-enduring tie to the people of Lower Albany; he felt that he belonged to them—that their interests were his interests; and hence, so long as Providence spared him, he trusted he should never be backward in joining them in every well-directed effort to promote the good of their common country. On entering that room, his mind was deeply affected by the remembrance of the previous occasion under which he had assembled with them under the same roof. They had then to make an endeavour to turn aside, if possible, a calamity by which they had since been overwhelmed. They saw the dark cloud gathering; they heard the rumbling of the coming tempest; they assembled for the purpose of arousing the government to an apprehension of the threatened danger; but, unfortunately, all their efforts had been unavailing; their prayers had been unheeded; their representations had been denied; they had been taunted with exaggeration: and the result was, the settlement had been overwhelmed by the rush of the neighbouring barbarians; their herds had been driven off; their fields trodden down and laid waste; the heavens had been lit up by the glare of their flaming dwellings; many of their friends and family connections had fallen by the hands of the savage foe, and ruin and desolation had been spread over the whole settlement! Many then present had heard, on the occasion to which he had referred, the earnest and deeply affecting appeal that was then made to them by their patriotic fellow-colonist, Mitford Bowker. Only eighteen months ago he made that appeal,—now he was a tenant of the silent tomb! He fell, not by the savage foe, but from intense mental anxiety in witnessing the ruin brought upon the settlement by the blindness and infatuation of those to whom were entrusted the reins of government. The chairman in referring to the councils of the colony had given the members credit for good intentions, and it was unnecessary to disturb what had

been so charitably awarded them. But of what value was this good intention? Was it not certain that the country had been grossly mismanaged? If this were admitted—and who could deny it?—then it followed that such mismanagement must either have arisen from ignorance or design; and it was a perfect matter of indifference to the sufferers on which horn of the dilemma the parties referred to might choose to impale themselves. In looking at the subject, which had brought them together that day, namely, the expediency of a separation of the two provinces of the colony, the questions involved must naturally divide themselves into two distinct branches of inquiry, viz.:—1st, the political expediency of the measure; and 2ndly, the financial capabilities of the province to entertain it. He would call the attention of the meeting to a consideration of the question under those two aspects. With reference to the first, he must advert to the origin of the present movement, and which was as follows:—The Legislative Council in Cape Town had thought proper to moot the question as to whether it was necessary that the inhabitants of that province should continue to enjoy the advantage of having among them a Lieut.-Governor. Without consulting the wishes, or ascertaining the opinions of the inhabitants immediately interested, the members of Council, in their wisdom, proceeded to recommend the abolition of that office, conceiving themselves so much better able to manage the affairs of the people of this province than they could do for themselves. This supercilious and presumptuous proceeding very naturally aroused a feeling of determined opposition, and a public meeting was held at Graham's Town, and also at Sidbury, at which petitions were adopted, remonstrating in energetic language against this attempt on the part of the Council to deprive them of what at least had the semblance of that liberal administration to which, as British subjects, they were fairly entitled. To the petition from Graham's Town were appended several statistical tables, showing the rapidly increasing trade of the eastern districts—its extent, population, and other particulars, tending to support its claims to the consideration of Her Majesty's government. These petitions and these documents had had the desired effect upon the present administration; and it was a fact well calculated to encourage the colonists to exercise unceasingly the constitutional right of petition to the throne, that their petitions in this instance had made so deep an impression upon the enlightened minister now at the head of the colonial department, as not only to lead to the present inquiry as to their ability to support a separate government, but to their having sent out as Lieut.-Governor one of the best qualified officers that could be found in the wide circle of the British colonies—a man of tried ability, of independent mind, of great resource, and of untiring industry. They had, despite the Legislative Council, got the man they wanted, and they were now called upon to show cause why his office should not be a nonentity—to prove to Her Majesty's government that the province was entitled to its own distinct institutions, and that it has the means of efficiently supporting them. He knew that there were many persons who timidly shrank back at the idea of separate government,—the word government seemed to their apprehensions to carry with it a sound of fearful and of mystic import. But this was a mere bugbear of the imagination, and would not, he was sure, scare those whom he was addressing from taking upon themselves that responsibility which was involved in the management of their own affairs. Without laying claim to any profound skill in the science of political economy, there was sufficient common sense in Albany to know how to earn money, and, when earned, to know how to expend it to the best advantage. But while there was sufficient enterprise to get money, and sufficient prudence to appropriate it, he was quite sure there was also sufficient public spirit to check, and that promptly and effectually, any misappropriation, should danger arise of such taking place. But he believed that in carrying out the proposed measure, they were only following the leadings of Providence. *That*, to his mind, was a most important view of the case. The Great Creator of the globe on which they dwelt had formed it for the habitation of man, to whom the command

had been given to occupy and replenish it. This process was to be carried on, not by miracle, but by human instrumentality ; and thus if they traced the history of the world to its earliest records, it was found that the great law of nature was dispersion. Population could not with impunity become stagnant ; and hence whenever it acquired a certain degree of density, it was invariably broken up and scattered. Thus society kept advancing, and it was utterly vain for any human power to say, " So far shalt thou go, and no farther." And who did not see the vast benefits which mankind in the aggregate derived from this law of nature ? As instruments in carrying out this grand design of Almighty Power, it was as evident that the British race was selected by God himself, as that the ancient people of Israel had been chosen by Him, to go up and possess, or in modern parlance, colonize the promised land. Take as an example the progress of the Anglo-Americans in the western hemisphere. At a period not more remote than the foundation of the colony of the Cape of Good Hope, a few adventurers were driven by persecution to the shores of that vast continent ; and now, from that very country, immense supplies of food were being sent to save from perishing, by famine, the people of the land to which they or their forefathers owed their birth. The resistless character of this movement was a GREAT FACT, which had arrested the attention of the most profound philosophers and closest thinkers of the present day. Thus one of the most eloquent writers of the age, M. Tocqueville, treating on the progress of society, in referring to this subject, makes the following very striking remarks :—

" It cannot be denied that the British race," says M. Tocqueville, " has acquired an amazing preponderance over all the other European races in the new world, and that it is very superior to them in civilization, in industry, and in power. The geographical position of the British race in the new world is peculiarly favourable to its rapid increase. It has been calculated that the whites advance every year a mean distance of seventeen miles along the whole of this vast boundary (about 1,500 miles). Obstacles, such as an unproductive district, a lake, or an Indian nation, unexpectedly encountered, are sometimes met with. The advancing column then halts for a while ; its two extremities fall back upon themselves ; and, as soon as they are re-united, they proceed onwards. This gradual and continued progress of the European (British) race towards the Rocky Mountains, has the sublimity of a providential event ; it is like a deluge of men rising unabatedly, and daily driven onwards by the hand of God. Thus, in the midst of the uncertain future, one event at least is sure. At a period which may be said to be near (for we are speaking of the life of a nation), the Anglo-Americans will alone cover the immense space contained between the Polar regions and the Tropics, extending from the coast of the Atlantic to the shores of the Pacific Ocean,—equal to three-quarters of Europe in extent, with a population of 150,000,000 of men. This is a fact new to the world,—a fact fraught with such momentous consequences as to baffle the efforts even of the imagination."

But it might be asked, in what way did this subject apply to *them*, and what analogy was there between the circumstances or history of the Anglo-Americans and their's ? His reply to any such objector was, that it had been so applied ; the analogy had been traced by an equally profound writer to the author whom he had quoted. The celebrated Dr. Harris, the author of *Mammon* and other great prize essays of the day, applies that very passage to South Africa, and shows that the tide of population had set in here like as in America, as though, as he remarks, the land were the lawful possession of the British race " by right of inheritance." It was true that *their* progress had been comparatively small, but the great era in the history of South Africa was the arrival of the British settlers in that district in 1820. That event had been like the little cloud, no bigger than a human hand, rising out of the sea, but it had spread, it was still spreading, and from it, ultimately, would showers of blessings descend upon the dry and withered land. The poor and despised settlers—despised by certain foolish people of Cape Town and their kindred spirits—had infused a principle of vitality into the whole colony ; they had spread themselves abroad, and wherever they had gone they had excited that spirit of enterprise, and of manly independence of thinking and acting, which is so characteristic of the British race. And they had yet a glorious field before them ! To them was committed the task of colonizing Kafirland ; that was a work allotted to them evidently by Providence, and he was persuaded that so long as they followed its leadings, acting in all their dealings on principles of mercy

and justice, so long would the blessing of God rest upon them and their posterity. He saw many in that assembly who, like himself, had borne the heat and burden of the day; to them personally it was of small moment whether the object before the meeting was attained or not; but still, in using their efforts to bring it to pass, they felt that they were laying foundations on which their children might raise a superstructure which should be worthy of themselves and of the country to which they belonged. That the Cape Town government was a great hindrance to this progress of society was too evident to admit of contradiction. This was not a mere assertion—not an abstract proposition,—but a simple matter of fact, of which the proofs were to be found in every public proceeding involving the interests of the eastern province. To take the most charitable view of the case, and allowing them credit for good intentions, still, how evident was it that they were too distant for their good intentions to be of any avail in averting from the country those calamities, from the effects of which they were then suffering? Had the people had the control of their own affairs, those disasters never could have occurred; and all that the people could do they did to arouse the government to an apprehension of the impending danger, and to induce them to adopt those measures which, had they been adopted, would have saved the British government millions, and the settlement from that sweeping destruction by which it had been overwhelmed. His attention had been recently so arrested by an able article in the *Times*, on the necessity and importance of local government, that he had made an extract from the paper, which, with the permission of the meeting, he would read. After taking a review of the colonial dependencies of the empire, the writer remarks:—

“It is impossible to exaggerate the importance of our colonial dependencies, or the responsibilities of an English secretary for the colonies. The immensity of the former—scattered as they are over every quarter of the globe, in almost every latitude, and comprehending amongst their inhabitants or their frequenters men of every clime, colour, and faith—proves the magnitude of the duties which devolve upon their official administrator. To suppose that one man, or twenty men, or a hundred men, should be fully acquainted with the details of each provincial department—should discern the operation of remote and hidden causes, or apply the proper remedies to disguised or misrepresented evils—would argue an amount of credulity even greater than that which generally accompanies a determined and exacting malignity. But, in proportion as the difficulty of personal supervision becomes more apparent, so likewise does the necessity of establishing those principles of government which, in a great measure, facilitate the duties, while they diminish the occasions for the active superintendence of a minister in England.”

Such, then, was the political aspect of the question then under the consideration of the meeting, and on which he would not detain the meeting at greater length, but proceed at once to the other branch of his subject, and which, after all, was the most important and influential. John Bull, in all his movements, looked to the practical side of the question—at its bearings upon pounds, shillings, and pence. It was not sufficient to tell him of the importance of such and such a measure; the inquiry with him was, have you means to accomplish that at which you aim? Now, he thought he should be able to show, not only that the independence which they sought was desirable, but that they could afford to maintain, amply and efficiently, their own independent government. In the course of his inquiries, he had ascertained that within ten years, namely, from 1st of January, 1836, to 1st January, 1847, the number of vessels which entered Port Elizabeth was 1,174; their registered burthen, 223,264 tons; the value of their freights, at £7 per ton, £1,562,848. Again, it was shown by returns published in the *Government Gazette*, that the customs' revenue at Port Elizabeth for 1846 was £18,774, being duty chiefly on British goods imported direct to that port from the parent country. But independently of this, there was the freight brought hither coastwise—that is, from Cape Town—the customs' duty on which was estimated at £20,944—making a total for the past year of customs' revenue at Port Elizabeth of £39,718. That there was no falling off might be proved by the fact, that for the first two quarters of the *present* year, the customs at Algoa Bay amounted to £10,128. He found also that returns of the value of *imports* at Port Elizabeth had been made up for the year ending 5th July *last*, and which



amounted to the large sum of £380,000. This, be it remembered, was a trade created since the arrival of the British settlers in 1820, and whose enterprise had caused a demand for British goods to the amount stated—thus furnishing employment to that extent to the starving thousands of their fellow-subjects in the parent country. On looking, too, at the relative progress of the two provinces, the result was no less satisfactory. It should, however, be borne in mind, that the eastern province could only date from the foundation of Albany, 27 years ago, while the sister province was labouring under the weight of two centuries. Thus, the former was pressing forward in all the vigorous buoyancy of youth, while her antiquated sister of the west was tottering beneath the burden of old age; and, if he might judge by her recent sayings and doings, it was high time the venerable lady were put upon the superannuated list. It would be far more rational if, instead of aiming to keep the eastern province in leading strings, she would take care of herself. For look, for instance, at their different rates of progress—one had increased its exports for the past year to the extent of £70,000, while the other, with all its boasted maturity, and other advantages, had made progress only to the amount of £42,000 in the same period. He thought that those facts would show that they were in a position to maintain their own government. The simple questions to be answered were—1st, What will be the cost of your civil establishments?—and, 2ndly, Have you the means of meeting the necessary expenditure? In reference to the first, he had seen an estimate, drawn out with great care, and which showed that the eastern province could well afford to guarantee its own civil list; that, in the event of its enjoying a separate and distinct government, it had the means, without a farthing additional taxation, to defray the expenses, not merely of the present establishment, but of the additional institutions which might be necessary under the new order of things, and would still have left a surplus of £17,000 to meet any contingency which might arise, or to carry forward any public improvement which should be deemed of importance to the general prosperity of the country. That this was not a chimerical idea, might be argued from the returns which had been forwarded by the Honourable Secretary to Government, Mr. Montagu, of the revenue of the eastern province for 1845, and which gave a total of £41,410 13s. 5d., an amount sufficient to cover the whole of its expenditure, including a sum of £3,251 for the aboriginal natives, with whom they were thrown into immediate contact. He was not of opinion that that proximity was to be deplored,—that is, under strong, efficient government. He viewed the Kafir country as a wide and promising field for the extension of British commerce, while the people themselves, if properly directed and firmly controlled, might be made of the greatest importance in working out the general improvement of South Africa. To effect this desirable object, however, they must have the management of their own affairs in their own hands; and this, he felt persuaded, the inhabitants were willing to take upon themselves at every risk. At all events, he was happy to know that the people of Lower Albany would not shrink from that responsibility, of which he held some evidence in a letter which had been handed to him that morning from one of their fellow-settlers—a simple hearted, but an honest man—at least he had always found him to be so, and hence he spoke of him in accordance with his own experience. That letter was addressed to the meeting, and he would therefore, with its permission, read it:—

August 16, 1847.

To the Public Meeting at Bathurst.

Our present governors have intimated to the colonists of the eastern province, that if they can show they are able to manage their own affairs without the interference of the western province, they will be left to do so. It is to be regretted that this intimation was not made known ten years ago, and more especially the same governors were not here at that time; for if they had been, it is my conviction the frontier would not be a wreck of desolation as it is this day, and I and my old wife be in nightly terror of being burned alive in our farm-house. It is useless for me to depict the butchery and murder that have been committed from 1834 to 1846. Poor Captain Bambrick, of the Guards, in trying to retrieve the honour of British glory at Block Drift, was killed, and his body cut into pieces. Poor Russell, in like manner, a few weeks ago, in retreating from the same fatal spot, while taking a drink of water, was shot

through the body. I call all these murders, seeing they are the results of our foolish tampering with the blacks of Southern Africa. As a confirmation of what I state, a law was made that these blacks might, by a little dexterity, steal our flocks and herds *honestly*; and in furtherance of this inhuman net against our property, they established a court, to be holden every three months at Fort Beaufort, with salaries of about £3,000 a-year to the members of this court, whose chief business it was to decide whether our property was honestly stolen or not. The world already knows the decisions of this court. If we had had the management of our own affairs, these things would not have happened. I exonerate the authorities who have been over us during the past ten years from all blame. They were sent here to carry out the designs of the Exeter Hall faction, and, to give them their due, they have been faithful to their trust. Where is the use of railing against the Honourable Secretary to Government about road money? When that gentleman came to this country, he saw with a glance that the western province had the predominance, and that her sister, Miss Eastern, was her footstool. To make innovation in her favour, and upset old customs, would have been dangerous to his own peace, and especially as one honourable member of the Council was told very peremptorily to hold his tongue, or take the consequences. In common fairness, therefore, rail no more against the authorities. If you will rail, let it be against your enemies at home, and I am sorry to add, traitors among yourselves that correspond with them. I now advise you not to let the first hop of the ball miss. If you do, all is over with you; you will be looked upon as a set of brawlers, and your enemies will not fail to make the most of it. You have two Governors now who have put the very matter into your hands that you have so often striven for—all your efforts being rendered fruitless by the deceivers, the traitors at home. If you do not take the matter into your own hands, all the treasure spent here, or the value of it, will be in possession of the Kafirs, or their kind, within seven years. Proof that we have ample means from which to raise a yearly revenue to answer all purposes, may be seen from the following:—I pay for road money £3 19s. per year for 1000 morgen of land, and which I have paid twice; and calculating from this, what must the total amount be for a province that is in length from the mouth of the Fish River to the Orange River, a distance of at least 400 miles, and in breadth about 300 miles?—This would give a space of 120,000 square miles, at 640 acres to a square mile, which at one-fourth of a farthing per acre, would produce a handsome revenue. There need be no fear; your means will be abundant, and, as I said before, take the ball at its first hop, and all will be well. Your Governors are anxious to retrieve your fortunes. Show them that you are worthy of their confidence. For myself, I have the most perfect reliance on His Excellency, from a simple expression in his estimates for the ensuing revenue. It is this—that “Immigration cannot be over done.” This is one of the truest expressions ever uttered in this country,—convinced, as I am, that the safety of the colony and what it contains depends on an increase of the white population. If this does not take place, and that quickly, there is not a black from this to Port Natal, but will be on us before the lapse of five years. Have no confidence in the natives: they are well tutored to mischief. Let charity begin at home; bring out your big and little ones that are starving at present. With their help, cover the land with cotton and corn fields. Let 50,000 of our own flesh and blood be transplanted amongst us, and up to the Kei River, and in ten years the country will flourish like a garden from this to Delagoa Bay. Forty years ago, I saw boys and girls from 7 to 12 years old picking up stones at twopence per day, without a bit to eat, except what could be bought with that scanty pittance.

Remember the first hop! and when your rights are secured, then your sincere thanks and gratitude will be due to His Excellency the Governor, and to the Lieutenant-Governor, for the interest they have taken in your affairs, and the justice they have done you, after years of toil, of discouragement, and of difficulty.

He read that letter without wishing it to be understood that he assented to every word it contained, but as containing the opinion of an inhabitant of the district, who was entitled to a hearing, and more especially as his opinions were shared by numbers with whom he held intercourse. The subject of emigration, to which that letter referred, was a matter of great importance to them. They had all read of the heart-rending misery which was spread over some portions of their native country; and the voice of patriotism, no less than motives of self-interest, called upon them to stretch out their hands to help their countrymen in this dark hour of need. It was not temporary, but permanent relief that they needed; and nothing, he felt persuaded, would more effectually conduce to that end, or promote more essentially the welfare of South Africa, than a powerful stream of emigration directed into the country on our border, and which had been so long polluted by savage orgies, and served as the asylum of those whose chief employment had been aggression upon the colony, and plunder of its peaceful inhabitants. Holding those sentiments, and supported as they were by the facts he had adduced, he felt no hesitation in proposing the resolution which had been entrusted to his hands. That resolution referred in terms of approval to the constitution or charter which had been granted to New Zealand, and which was

deemed to be admirably adapted to the circumstances of South Africa. It recognized a great principle, namely, that to govern colonies advantageously, it was necessary for the people themselves to have a due share in the administration of their own affairs. In New Zealand there were to be *two* Lieut.-Governors, with their respective Councils, and a Governor-General, having a superintending power over the whole machinery. South Africa was admirably adapted to this scheme of Government. Nature had formed it into two distinct colonies,—the western, extending from Table Bay to the mountains of George, and falling back along the Atlantic to the Namaqua country; the eastern having for its field of operations Kafirland, and the back country across the Orange River as far as the Tropic. Such, then, was the prospect opened up to British enterprise in this country; the finger of Providence was pointing out their path. Let them not shrink from the task before them, and South Africa would soon rise into civilization, and become one of the most important sections of the British Empire.

Mr. JOB HARVEY seconded the resolution most cordially. He was perfectly convinced, not only of the ability of the people of the eastern province to carry on their own government, but of the adequacy of their means to support it. Every maxim of reason was with them in the discussion. For what were the facts of the case? They complained that they had been mis-governed, and when an agent did not manage one's affairs satisfactorily, common sense pointed out the remedy. The power delegated to him was withdrawn, and the principal did that for himself which his agent had so grossly neglected. Apply that to the Cape government, and *their* course was perfectly plain and intelligible—it was to get rid of the incompetent, or idle, or unfaithful agents at every risk. So persuaded was he of the necessity of this, that he did not agree at all with those who considered the question dependent upon the evidence which might be afforded of the *present* revenue of the province being sufficient to cover its *present* expenditure. He, for one, was willing to take the responsibility at every risk, under the full persuasion that he should be a gainer were he to pay double the amount of his present taxes, with peace and security, than remain as he was, and had been, exposed to continual danger from the blundering measures and continual mistakes of a government seated at a distance of 600 miles from the scene of commotion.

The fourth resolution, as follows, was moved by Mr. T. Hartley, and seconded by Mr. Purdon:—

That, in order to obtain statistical and other information to shew that the resources of the eastern province are sufficient to support a separate and distinct government from its own revenue, and also the expediency of such a measure, that Messrs. W. Cock, T. Berrington, T. Hartley, and J. Harvey, be appointed to co-operate with the Committee appointed at the public meeting held at Graham's Town on the 9th ultimo, and who be empowered to adopt, in conjunction with that Committee, such measures as may, after due enquiry, be deemed expedient.

A vote of thanks was then given to the Chairman, who in reply expressed the pleasure he had enjoyed in presiding on that occasion, and the satisfaction he should always feel in being in any way enabled to promote the welfare of their common country.

#### LETTER ADDRESSED TO THE BATHURST PUBLIC MEETING.

To the Chairman of the Bathurst Meeting.

The difficulty of public speaking to persons unaccustomed to anything but the common every day pursuits of an Albany settler, with a large family to support, is a task from which I shrink; but still it is the duty of every one to stand forward in support of his social and civil rights whenever endangered, either by culpable neglect or despotic interference.

I must say that the signs of the times in our political horizon are of an encouraging aspect—more so than for many past years; but still they must be viewed only as tokens of promise, and these, alas! past experience has proved to us in many instances are delusive.

Still I love to cling to the anchor of hope, and must acknowledge that the following signs are very encouraging. At length, after suffering for more than a quarter of a century, our complaints, made in loyal and constitutional memorials, have reached the throne of our beloved Queen (may God long preserve her!), and are now receiving attention in Her Majesty's Council. Her steam-ships have been sent at the top of their eagle speed to enquire about us—to bring us men, money, munitions of war, and another Governor, with increased power to see to our affairs. This I take as an earnest of future good.

Then again, we seem to have in our Lieut.-Governor, a man of liberal as well as enlightened views—or I ought to say liberal because enlightened,—who is instituting the enquiry as to whether we desire, and if so, whether we are able, to manage our own affairs independently of Cape Town? Another thing gives me encouragement, and that is, that he has sought the efficient assistance of Mr. Chae—a true colonist, who has defended our cause from the beginning. All these things promise well.

As to the question, whether we ought to have a Governor on this frontier, and whether we ought to have a hand in the management of our own affairs? I should say, yes, decidedly. It is a burning shame that we should have been kept so long shorn of our rights as Englishmen. The consequences are, our lives have been perilled, our property plundered, our friends murdered; and though our complaints have been long and loud, and oft-repeated, yet who has heeded them?

Sir, just look at Lower Albany—a settlement formed by nature for the purpose of acting as a barrier to Kafir invasion, or as a bulwark against the Kafirs invading the colony, as they did the year before we arrived here. Here we were put down, while the Governor who had to protect and encourage us in forming the settlement, was 600 miles in the rear of us. In our front was the whole extent of uncivilized south-east Africa.

Sir, if you want a monument of the parental care of a 600-mile-off government, then look around on Albany! Upon what?—Upon its well-established ports, upon its bridges, upon its tanks and reservoirs to catch and hold the rains, upon its public buildings and institutions?—Alas! no, sir, the monument, the *only* monument seen in Lower Albany—one of the finest, fairest, and most fruitful nooks in South Africa—is DESOLATION!—mark, desolation not produced by Kafir invasion only: no, sir, but by the despotism of *long, lasting, and total* neglect!

Twenty-seven years ago saw Lower Albany covered with an English population of nearly 4,000 souls, of true blood and energy for the work of forming the settlement. Small villages and pretty cottages were soon seen rising in all their rural loveliness,—villages which, if such had been founded in North America, would now have been flourishing towns. Bathurst, then the seat of magistracy, would have been the metropolis of the eastern province, instead of which Albany is desolate, with inhabitants few and far between, while some of the streets of Bathurst are overgrown with bush and rank grass. Sir, all this retrograde movement has been in the face of our untiring foe—the Kafir. Shall we wonder that he did not fail to take advantage of our desolate state, and by two invasions within the last thirteen years, complete our desolation? Sir, would these things have been so, if we had had a Governor on the spot, who could have heard and seen for himself, or if we could have controlled our own affairs? No, no! such a monument of decay would not have existed in Lower Albany. But, sir, though I am dwelling on a gloomy subject, yet I hail with great pleasure the smallest ray of hope, though it comes at the eleventh hour of our political existence. I hail the present meeting with great satisfaction.

As to whether we possess the means of maintaining a government of our own, independent of Cape Town, I say, decidedly—*most decidedly*—YES! All we require is protection of life and property,—a present, presiding, and truly paternal government: give us these and we will soon convince the world, and our “comfortable relations” at Cape Town, that we have both the will and the means to maintain a government.

## PUBLIC MEETING AT OLIPHANT'S HOEK, AND BUSHMAN'S RIVER.

(Extracted from the *Graham's Town Journal*)

At a public meeting of landholders and farmers of Oliphant's Hoek, Bushman's River, held at Adcock's Inn, Bushman's River, 3rd September, 1847, STEPHANUS HARTMAN, Esq., being unanimously called to the chair, opened the proceedings by reading the permission granted by His Honour for holding the meeting, and also the circular to which it referred. The following resolutions were then unanimously passed:—

Proposed by Mynheer Coenraad F. Scheepers, seconded by Mr. Richard Gould, and supported by Pieter van Niekerk:—

That this meeting esteem the contents of the circular of His Honour the Lieut.-Governor, dated the 26th June last, to be of paramount importance to the interests and advancement of the eastern province of the Cape of Good Hope.

Proposed by Mr. E. Van Reenen, seconded by Mr. Pieter Houtzhausen, Field-cornet, and supported by Dr. A. G. Campbell:—

That this meeting, deeming it essentially necessary for the good government of this eastern division, that His Honour the Lieut.-Governor should be possessed of independent powers, and that the frontier colonists should have a voice in the management of their own affairs, are willing to pay their legitimate portion of the expenses necessary for the support of such an object, should the present resources of the eastern districts prove insufficient.

Proposed by Mr. F. H. Truter, and seconded by Captain Codrington :—

That a permanent committee be formed and appointed by ballot, for the purpose of collecting information, to communicate with His Honour, and to keep a record of passing events, so as to be ready at the appropriate period to call the inhabitants together, to memorialize for their wants.

Proposed by Mr. J. S. Kirkwood, seconded by Mr. Robt. Holland, and supported by Dr. A. G. Campbell :—

That this meeting, having learnt with the deepest regret, that it is the intention of the British government to remove Sir Henry Young from the office of Lieutenant-Governor of this Province, and to appoint His Honor the Lieutenant-Governor of South Australia, they deem it of the most vital importance to the best interests of this province, that the inhabitants of the various districts should meet without delay to memorialize the Governor, and implore His Excellency to use his best influence with the British government to continue Sir Henry Young in his present appointment, being fully persuaded from the exertions he has hitherto made to advance the interests of this province, from his official aptitude, and his liberal and enlightened views, that he is eminently calculated to develop its resources, both commercial and agricultural, and satisfy the inhabitants by the establishment of more liberal institutions; and that the following memorial be presented to His Excellency by a deputation, consisting of Messrs. Stephanus Hartman, Edward Van Reenen, J. S. Kirkwood, Coenrad Scheepers, and Edward A. Campbell.

Proposed by Mr. Edward Heugh, and seconded by Mr. Edward A. Campbell :—

That a vote of thanks be presented to His Honor the Lieutenant-Governor for affording the colonists, by his circular, an opportunity of expressing their sentiments on a subject of such vital importance to the progressive advancement of the interests of the eastern division.

Proposed by Mr. Caspar Buchner, and seconded by Captain Codrington :—

That Messrs. Holland, Van Reenen, Kirkwood, and Ambrose George Campbell, do form a permanent committee; and that Messrs. Coenrad Scheepers, E. Van Reenen, J. S. Kirkwood, Stephanus Hartman, and E. A. Campbell, be appointed a deputation to wait on His Excellency, to present the memorial.

The Chairman having been requested to vacate the chair, and Mr. Kirkwood having been voted in his place, it was moved by Mr. L. D. Campbell, that the thanks of this meeting be given to Mr. S. Hartman for his able conduct in the chair, and his attention to the objects of this meeting.

The Chairman spoke as follows :—The movement on the part of the government is caused by memorials of the inhabitants to the parent government, more particularly in consequence of a memorial sent by the members of the Uitenhage and Albany Agricultural Association, shortly before the Kafir invasion, praying for a more vigorous government of this province. Years ago we saw the necessity of this—ever since they set aside Sir Benjamin D'Urban's policy. We have given notice, from time to time, to the Legislative Council at the Cape, of the dangers which surrounded us, but alas! without any effect save our destruction. But the danger of life and property daily increasing, and after the cup of our miseries was filled, it pleased Her Majesty's government to enquire whether we are capable of receiving more liberal institutions, and are prepared to pay for the same? I am certain we are ripe for the first; and concerning the second, I am equally certain that the meetings held at Graham's Town and Port Elizabeth have sufficiently proved that the resources of the eastern division are capable of paying for the institutions we seek, without any reference to the western province. But should there be any deficiency (which I do not fear), I speak the public voice at large, when I say each inhabitant of the eastern province will freely submit to be taxed to pay for what they require. I am certain that if we had had an independent government on the spot, we should have no reason to bewail the loss of a parent, a husband, and a son; our friends would not have been bereft of all they possessed, nor should we, for the sake of security, have to live in villages. Our houses are lying in ashes; our fruitful grounds are uncultivated, bringing forth thistles instead of sustenance for the infant and the aged. Pale dismay has taken the place of former cheerfulness and contentment, and clouds are still pregnant with threatening evils. What need we more to prove our rightful claim to the reform of our government? We are not represented in the Legislative Council, at a distance of 600 miles,—at the Cape. We ask one of two things—



either a more central government, or a separate government on the frontier, strengthened by a local Legislative Council. The enlightened home government have given us the instruments at hand, and let us go to work in unity, as one person, steadily forward, and with God's blessing we may expect the best.

COENRAD F. SCHEEPERS, in proposing the first resolution, said—I must express my feelings of gratitude for the opportunity given me, and the inhabitants at large, by His Honor the Lieutenant-Governor, to express our sentiments on a case of so much importance to our future welfare.

Mr. RICHARD GOULD seconded this resolution, and said—We are told that now is the time for action; now is the time to be up and doing; and feeling it myself, makes me presume at this time to lend my shoulder to the wheel, at which already are so many able men. The despotic edict that the people shall have no voice in the administration of their own affairs has, like the dark thunder cloud, passed grumblingly away, and is now only to be reckoned among the things that were. Let it then be every man's endeavour to improve the boon the march of intelligence has bestowed upon him. Nothing can, I conceive, be more convincing as to the imperative necessity of some great change in the late, or I may say the *present*, system of the frontier government, than a few moments' consideration of the horrors of the recent acknowledged *unprovoked* aggression of those blood-thirsty savages the Kafirs—the great bugbear to the advancement of the prosperity of these provinces. A separate government would tend to throw such a healthy tone into each branch of trade, that in a short time we should see some of the capital now in England, and only waiting an apparently safe investment, employed at work here; for whatever may have been said to the contrary, capitalists are afraid of the Kafirs, and there is reason for their fears too. Emigration will take place from Europe (which Sir Henry Pottinger thinks cannot be overdone) of all kinds of labourers and mechanics, which will have the salutary effect of bringing our audacious black fellows to their bearings, so that their labor will only be valued by its worth. Enough—as it is apparent that it is only by the importation of a superior class of labourers that the colored labor of this colony can be made available to the farmer. Thus would cotton, tobacco, hemp, &c. &c., swell our exports, and our labourers at the same time be consumers of those articles which pay duty to government. America's helping hand in Britain's present distresses is one great proof why the home government should be indulgent in administering laws for this colony. America, before its independence, was arbitrarily governed; she could see no reason why it should be so; had one “tarnation brush,” and threw off her allegiance. The more liberal and enlightened policy of her own population followed, and the consequence is, she has proved of signal service to England by helping to feed her countless poor and starving thousands. Each of her States is now duly represented, and the country prospers. It behoves us now to be so importunate in our prayers as loyalty to our Queen will permit. And I doubt not but that Earl Grey's plan for the government of New Zealand, or something equally liberal will be introduced for this now degraded eastern division of the colony, tending to induce emigration, and employment of capital for the cultivation of the rich soil nature has kindly given us, improving and extending our breeds of cattle and sheep. I repeat that this frontier only wants security for the employment of capital and labor; and whilst a separate government would contribute to the well-working of the whole, the present revenue would be doubled in the course of three or four years. And let me ask, would such evils as we have lately suffered have taken place had we been amply represented? I wait not for an answer, but leave the question with every thinking man acquainted with the pusillanimous conduct of the frontier legislature.

Mr. PETER NIEKERK supported the first resolution as follows:—No man can say that these districts are represented in the Legislative Council at the Cape, as it is established at present; and it is equally impossible to deny that most, if not all our difficulties are to be ascribed to the want of proper representation. Have we not given notice in time, by our memorials and remonstrances

to our rulers, of impending dangers? And what did we gain by it? Our grounded fears have been ridiculed and represented as magnified. No precaution has been taken; our barbarous neighbours fell upon us from all sides with the firebrand and assegai; destruction has been our lot! To a want of fair representation we date all our misfortunes. There is nothing more difficult in a country like this colony, of so vast an extent, as to diffuse a common feeling. People divided by the sea seldom sympathise with us, and in like manner the far west has no common cause with the far easterly part of this colony. This then being a truth, there is nothing more to be wished for our future existence, than a separate or more central government. An alteration in our legislature is necessary, or we must cease to exist. It has been said, and how far correct I will leave to others, that we do not possess sufficient talent and public spirit to legislate for ourselves; but this, however, I know, and the fact is proved by the history of the world, that in all ages, and by every people, there has been sufficient talent and public spirit to provide for the *necessities* of the country they inhabit. More we do not want; and why then should we be held as inefficient to the management of our own affairs? Those who make such an assertion express what they wish, rather than what they actually believe.

Mr. Edward Van Reenen, in proposing the second resolution, said:—He regretted the task had not fallen into abler hands. He remarked—We are all of us, I dare say, fully impressed with the necessity of having a government that will, by its effective general and local legislation, succour and protect the industry of the farmer. We do not desire a council of legislators such as exists at Cape Town; such a combination of government officials is but an abortion, inimical to the interests of our country. We want a Government that will control the vagrancy and independent slothfulness of our coloured servants, and be altogether untrammelled by Jacks in office.

Mr. Peter Holtzhausen, Field-cornet, seconded the resolution, as follows:—I wish it to be understood, that there exists no feeling of animosity against the Legislative Council at Cape Town; but from the want of correct information relative to our circumstances, they are subject to aberration; and for that reason alone we seek for better government for these frontiers. We have had good help from our western friends in the time of trouble, and we hope to have an opportunity of returning their kindness.

Dr. A. G. Campbell, in supporting the second resolution, said:—It is with no ordinary gratification that I rise to support a resolution which breathes views so much in unison with those I have for years nurtured, and frequently advocated in the public press; but it is more grateful to my feelings to be enabled thus publicly to support those views, as a farmer, in the presence of so numerous an assembly of independent and enlightened burghers, representing the granary of the eastern province, who by their presence this day manifest the importance they attach to the subject under consideration. Gentlemen, it may be by some deemed premature and ill-timed to engage our minds on such a subject of importance, when at a moment's warning we may be called from our fire-sides to defend our flocks from our barbarous and mischievous neighbours, and to engage in a warfare which can in no case add to our welfare. 'Tis true, gentlemen, those who think so, may in all probability possess the idea that we shall have to desert the eastern division and fall back on the western; and if such be their belief, verily they have just reason to designate our movements and our agitation premature and ill-timed. But, as a Scot and an independent colonist, I know but one movement, which is to advance and conquer, or die in defence of that country in which my lot is pitched; and I feel sure the sentiments expressed by me are warmly responded to by all present. If any fact can present a stronger feature for our having a voice in the management of our own affairs, or the presence of a Lieutenant-Governor on the spot, it is the very struggle in which we have been and are likely again to be engaged to hold our own. And God knows, that if the Executive below had made it their business and their study to have acquired a correct

knowledge of frontier affairs, or have listened to the just petitions of the frontier colonists, the shedding of much human blood might have been in a great degree avoided, and the expenditure of two millions of money saved to the British treasury, and which might have been advantageously distributed amongst the starving thousands in Europe. I cannot say, gentlemen, that I am in the least degree surprised at, or instructed by, the events of the last 18 months. In the month of October, antecedent to the war, I put on record, in the form of a letter to the *Frontier Times*, addressed to John Montagu, Esq., my prophetic warning, which of course, like everything else proceeding from the frontier, was treated with contumely. Gentlemen, I stand here among you as a farmer, possessing some thousand acres of land, ruined by this disastrous war; I stand here as one of a large family, whose parent introduced into the colony more capital than would at one period have purchased nearly the whole frontier, and whose worldly prosperity have been blighted, totally by our emigration. I stand here as an educated and professional man, after 16 years' arduous labour, both mentally and physically, stript of my property, and daily feeling the want, without the prospect, like others, of being benefitted by the war expenditure. And yet, gentlemen, I cannot bring my mind to that acme of vituperative declamation as to feel justified in joining in the indiscriminate condemnation of the government, which no doubt the conscientious speakers at other meetings have felt it their duty to utter. Gentlemen, in the plenitude of our sufferings, we are apt to confuse cause and effect, and assign blame to human beings, when by a little reflection we can observe the hand of Providence. I mean by this to convey, that had even Solomon in all his glory been governor, such has been the growing feeling in the breast of the barbarian for some time past, that the white man was encroaching on his territory, that he would sooner or later have tried his strength with us. But, gentlemen, what I emphatically condemn, and which has dragged me from my quiet and domestic hearth to take a part at this public meeting, is, the want of sympathy with, and silent contempt of, on the part of the Executive below, all the petitions which have emanated from us on this frontier, and in which were faithfully portrayed the evils and miseries which have since overwhelmed the eastern districts, and which evils might have been considerably mitigated, if not wholly avoided, had we possessed a voice in the Council. This dreadful experiment—absence of a voice—is of itself of sufficient magnitude as to meet our wish to interfere in the government of our own affairs, and the expenditure of our own moneys. But, gentlemen, much as I desire, and imperative as it is that we possess a voice in the management of our own affairs, I am not prepared to advocate a repeal of the union. We must not, as good neighbours, cast off our western friends, who have nursed us in our infancy; nor do I think we shall be benefitted by excision. Milder terms may be employed to our advantage, and as a skilful operator only uses his knife when danger is imminent, so I am not solicitous to recommend a grand operation while there be a prospect of compromise; I would rather ask for a certain voice at present in the councils of government, such as Port Natal enjoys. I do not think, gentlemen, that this frontier is ripe for an extensive scheme of the representative form of government, and less than a comprehensive one I hope we shall never demand. Where, may I ask, are our independent men, who will spare time from their daily pursuits to dedicate to legislation in an assembly? Are our districts, may I ask, in a condition to send their proportionate number of representatives? No, gentlemen. I have cast my eye over the whole of the eastern division, and am unable to point out qualified men (with one exception, that is Sir Andreas Stockenstrom), who are in circumstances to give up their time to the public, without remuneration, and to pay them would destroy their independence and their usefulness. Besides, the popular form of representative government requisite for this province would entail at present, in my humble opinion, too great an expenditure, and eventually lead to taxation probably beyond our resources, and tend to disturb and unsettle the minds of the colonists. It may be advanced in opposition to this, that the

resources of the eastern province are sufficiently ample to support the additional expenditure which would be required by the creation of government, without farther taxation, and which I have been credibly informed is the case. This is one of the keys to the whole agitation, and great credit is due to those gentlemen who have exerted themselves so industriously to demonstrate that to be the case. They boldly assert that there is sufficient to pay for a separate and distinct government, without favouring us with what they mean by such a term; and by an exhibition of figures have satisfied themselves of the fact. Gentlemen, these statements must be received with due caution, as many serious items of expenditure may have been overlooked; and however desirous we may be to separate ourselves from all communion with our western friends, I trust our movements will be made with prudence, and that before we pledge our names and our characters to a demand, we feel satisfied we are not entailing on ourselves and our children, taxes which may become odious when we return to peace and peace-prices. Do not imagine, gentlemen, by recommending this caution, which may be termed casuistical on my part, that I am insensible to the advantages of local government, or to being taxed for so desirable a boon. Could I be brought to believe that we have matériel amongst us for an extensive representative government, I would now urgently call upon you to demand it, and say that to carry out the plan, you are prepared to bear any tax that may be imposed. The inquiry as to the resources would be a secondary consideration; but as I said before, I am not prepared to advocate a total repeal of the union, though we must demand and obtain a voice in the councils of the government—a voice that will secure to us the control over the expenditure of our monies—a voice that will give us authority to repair our own roads—a voice that will give a salutary check over vagrants who roam about the country, pillaging our flocks—a voice that will bring justice to our homesteads—and a voice that will be heard and listened to by those in authority. I care not, as an individual, from whence this voice emanates, whether from our Lieutenant-Governor, with or without an Executive Council; but we must, as freemen, have the management of our affairs in our own hands—the various institutions brought to our own doors, and not have to refer to Cape Town for every little trifle. I have, in my own mind, created a system for securing a degree of power to the frontier, and which will not entail a heavy burden on our resources. This will act as an initiative process to grander schemes, and lead ultimately to the great desideratum of all free-born subjects, viz.: Popular Representation. First, to invest the Lieutenant-Governor with the same powers over the eastern division that His Excellency entertains over the whole colony; that a resident agent attached to each of the necessary departments be appointed, amenable to the Lieutenant-Governor, without reference to Cape Town, viz., a Surveyor's office, Register and Transfer office, Audit and Treasury office; and till the period arrives for the establishment of a Legislative Assembly, I should propose His Honor being a member of the Legislative Assembly at Cape Town, and that he resort thither at the period the Council meets, to represent in person our interests and our wants. Now, gentlemen, in demanding this trust, we shall have no occasion to resort to figures to ascertain our capabilities to maintain the expenses consequent on it. Fortunately, we possess amongst us Chancellors of Exchequer who have presented their budget to His Honour, and he will no doubt be able to give us a satisfactory statement. Yet it is a matter of little moment, representing so large a stake in the colony, are prepared with me to pledge themselves to pay for what we ask. What can be more reasonable and more just, and who will dare to be so bold as to deny our request? Should, however, gentlemen, this proposal of mine be considered not comprehensive enough, you have only one other plan before you, viz., to supplicate that the seat of government be transferred either to Uitenhage or Graham's Town, in accordance with the recommendation of the Commissioners of Enquiry, and of that good man Sir Benjamin D'Urban; and it is my opinion that to this suggestion Lord Grey refers in his despatch, when he asks—"If the evil really exists of an absence

of representation, in the local legislature, of the wants, and wishes, and rights of the eastern districts, and if that evil admits of any effectual remedy which would be consistent with the maintenance of the central government and legislature at Cape Town?" The transfer of the mis-named central government and legislature of Cape Town to Graham's Town will be the only effectual remedy to us, and of this it must eventually come. By this arrangement a community of feeling and interest would be cemented between the western and eastern colonists. There would arise a noble emulation for each other's benefit, and by such a combination the resources of the whole colony, as far as Port Natal, would be drawn forth to the advantage of every being within its compass, both white and black. I have seen it mooted that we ought to have some voice in the affairs of Kaffraria; I decidedly object to any interference in that department, as it would entail an annual expenditure which would swamp the colony; and it surely can never enter any one's brains, that we should possess a control over Kaffraria, and ask the Home government to pay the expenses consequent on our interference. I am indeed sceptical as to our capabilities for legislating for the barbarians occupying the country called Kaffraria, and I should be averse to attempting more than we can compass. Gentlemen, let me warn you not to interfere in such matters. The Home government are already debating upon the propriety of making the colonies pay for the military establishment necessary for their defence, and if we stand forward and exhibit a disposition to fall into their views, by volunteering to legislate for the Kafirs, Earl Grey will not deny you the honour, provided you give him a guarantee that the British Treasury will not be called upon. Do not, therefore, without due consideration, be led away by the specious declamations and popular harangues of those speakers who, no doubt, conscientiously demand such an extension of power, but pause ere you make a demand you may hereafter regret. Let us confine our efforts to procure a voice and control in our own affairs, and endeavour to maintain that community of feeling and sentiment with the western division which the interests of both demand. Gentlemen, I have trespassed already too long on your indulgence, but I feel the subject to be of such vital importance to this frontier, that I was anxious to put on record my views, with the desire of eliciting from all present their opinion. I now sit down thanking you for your patient indulgence.

Mr. F. H. Truter, in proposing the third resolution, said:—I feel the importance of the resolution placed in my hands. In a population so widely dispersed it is very difficult to get people together, but I hope none will be backward in responding to the call of those who may be elected as the permanent committee, as it will assist much towards acquiring the information requisite to fulfil the object of this meeting.

Captain Codrington, in seconding the third resolution, said:—I have much pleasure in seconding this resolution, as I am fully impressed with the extreme urgency of such a measure being adopted by the inhabitants of our country districts, as from our scattered and isolated positions we are as ill-calculated to know of passing events as to gather and collate information, or to simultaneously assemble for consideration of any particular event, without the watchful care of such a committee as this resolution votes, and which I do myself the honour in the strongest manner to second.

Mr. J. S. Kirkwood proposed that the following memorial be adopted, and transmitted to His Excellency Sir Henry Pottinger:—

To His Excellency Major-General the Right Honourable Sir HENRY POTTINGER, Bart, G.C.B., Governor and Commander-in-Chief of the colony of the Cape of Good Hope, Her Majesty's High Commissioner, &c., &c.

*The Memorial of the undersigned inhabitants of Oliphant's Hoek, Bushman's River, and Zuurberg, in public meeting assembled:—*

RESPECTFULLY SHEWETH—

That Memorialists have learned with the deepest regret that it is the intention of Her Majesty's Government to remove Sir Henry Young from the office of Lieutenant-Governor of this province, and to appoint His Honour Lieut.-Governor of South Australia.



That when the appointment of Sir Henry Young as Lieut.-Governor of this province was first made known to the inhabitants, it was generally hailed as the harbinger of better days, from the high reputation he had acquired in the West Indies, in the discharge of the various onerous official duties which devolved upon him. That during the few short months His Honour has been on the frontier, memorialists have the best reasons for knowing that he has spared no exertions, either mental or physical, to acquaint himself with the wants and wishes of the inhabitants, and with the multifarious and important matters which on every hand solicited his attention; exhibiting the most fearless determination to grapple with any difficulties that may surround him. Memorialists believe that His Honour is preparing measures that will lay the foundation of more liberal and enlightened institutions, agreeably to the benevolent intentions of Her Majesty's Government, and which have so long and so earnestly been desired by the inhabitants; and they confidently believe, moreover, that His Honour has the requisite energy, intelligence, and sagacity to carry them out. Memorialists are also fully persuaded, from the exertions His Honour has hitherto made to advance the interests of this province, from his official aptitude, and his liberal and enlightened views, that he is eminently calculated to develop its resources, both commercial and agricultural, and to aid effectually in perpetuating that state of security for life and property on the frontier, which Your Excellency, with a devotion above all praise, is resolved, with the blessing of God, to accomplish. Memorialists therefore repeat, that the report alluded to above, as to the removal from this province of His Honour the Lieutenant-Governor whose presence is so essential to its best interests, has filled them with fear and apprehension, and they most respectfully but earnestly entreat your Excellency to use your best influence with Her Majesty's Government to continue Sir Henry Young in his present appointment,—a measure ardently desired by memorialists and the inhabitants generally of this province.

And memorialists, as in duty bound, will ever pray.

Mr Kirkwood remarked that this measure of the home government, in withdrawing Sir Henry Young from the office of Lieutenant-Governor, has caused exceeding surprise, unable as we are to comprehend the expediency of the measure. If we suffer this calamity to be effectuated without entering our protest against it, we shall merit the obloquy of every well-thinking, patriotic mind. Our hopes for the immediate prosperity of these provinces, which the efficiency of Sir Henry Young in the duties of his office allowed us to anticipate, have been nipped in the bud; but do not, however, let us despond, but let this be an additional impetus to the agitation for our just demands. When we revert to the feebleness of our late Lieutenant-Governor in the administration of his office, and the incapacity of the Executive Council at Cape Town, from a blameable want of correct information, and contrast these with the singular aptitude for business of Sir Henry Young, we feel this loss the more keenly. He has shown himself not to be a mere mechanical instrument in others' hands, not willing to act as an automaton or cypher in the machinery of the government, but a man possessing an independence of mind to think, and courage to perform the active duties of the office from which he is now withdrawn. I therefore urgently call upon you to sign the memorial now lying on the table.

Mr. Holland, in seconding the motion, said—I cannot but regret my inability to do justice to the talents, indefatigable industry, and attention which His Honour the Lieutenant-Governor has displayed since his first entering upon the important duties of his office amongst us. To take up the time of this meeting by eulogizing His Honour would be a work of supererogation, as I am certain every well-wisher of the colony must be most anxious to retain his valuable services. I shall, therefore, merely express my hearty concurrence in the resolution.

Dr. A. G. Campbell remarked—That it was not the government or the government officers that he regarded as being instrumental to the advancement of the eastern division,—it was to the energies and untiring perseverance of the agriculturists and boers in general that the colony must go a-head, in spite of the government.

Mr. Edward Hough proposed the fifth resolution, and said—We cannot feel too grateful to our gracious Queen for the appointment of Sir Henry Young as Lieutenant-Governor of the eastern province. In the short time His Honour has been on the frontier, he has done more than all the former rulers on the frontier. He felt persuaded that better days were in store by Sir Henry Young's appointment; but their bright prospects were overcast by the withdrawal of His Honour—a

measure as destructive in its effects, as impolitic as a measure. They must, therefore, leave no stone unturned to retain His Honour's services.

Mr. Edward A. Campbell said—I rise with satisfaction to second the resolution just proposed by Mr. E. Heugh, and hope every one present will use his utmost exertions in influencing his neighbours to assist in carrying out the objects so clearly defined in His Honour's circular. You must be aware that it is not His Honour's business, without being supported by the voice of the people, to propose to the Secretary of State our wants and wishes. We must, therefore, make His Honour acquainted with the exact information necessary for carrying out our object; and if we do this, I feel sure that we shall not have to complain of *his* burking our prayers. With this assurance, I feel proud in seconding this resolution.

Mr. Lucas Potgieter supported the fifth resolution, and said—That the boers were generally satisfied with Governors and Lieutenant-Governors. They thought much, as far as was known, of our present Lieutenant-Governor, and of his liberal principles. His Honour had already acquainted himself with their wants, and the people had begun to appreciate him. They might meet with another who was not acquainted with their circumstances. It would therefore be unreasonable to displace an officer who had already acquired the people's full confidence.

Mr. Esaias Niekerk spoke in support of the fifth resolution, and said—It was better and less expensive to support a Lieutenant-Governor on the spot for our own government, than to pay for one who lives at the western extremity of the colony.

Mr. Coenrad Scheepers, jun., felt quite convinced of the justness and propriety of that which was demanded, and should vote for it.

Mr. John A. Scheepers asked when the road from Oliphant's Hoek to Graham's Town would be finished, as he had long since paid for it?

Dr. A. G. Campbell, in supporting this resolution, said—The frontier colonists must have thus early learnt that Sir Henry Young has afforded us the most practical lesson for the necessity of the office of Lieutenant-Governor for the eastern districts. I have seen some little of His Honour, and this meeting can rely on my word, that our Lieutenant-Governor is all the memorial sets forth. And the activity and zeal he has already exhibited during his short residence amongst us, afford emblems of future greatness to this province; and though His Honour has been so unfelicitous at the outset of his career to bring down upon himself the denunciations of John Montagu, clothed in no very courtly language, I am not in the least alarmed that he will be immolated. Gentlemen, our cause is too good and too holy a one to be swamped by *his* voice. We can afford to be generous, and smile at the fleeting phantoms of his disordered brain.

Casper Buchner, in proposing the sixth resolution, said—It was necessary a committee should be formed, and that the gentlemen mentioned should form that committee, as he knew they would do their duty; and in regard to the proceedings of the day, there was not the slightest doubt but what they asked for would be beneficial to the frontier. But would the revenue afford it?—yes, or no? Dr. Campbell has shown that it can: then let us have it.

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## REPORT

OF THE COMMITTEE APPOINTED AT THE PORT ELIZABETH PUBLIC MEETING.

Port Elizabeth, 22nd July, 1847.

To His Honour Sir H. E. F. Young, Knight,  
Lieutenant-Governor, &c., &c.

SIR,—In our capacity of members of a committee deputed by a public meeting, held in this town on the 12th instant, to correspond with your Honour

on the important subjects referred to in your Honour's circular of the 26th June, we have the honour to forward to you herewith a copy of the resolutions passed at that meeting, as well as of five schedules, A to E, laid before the meeting.

We also beg to hand in, in addition to these schedules, a sixth (F), showing the progressive increase of tonnage in this bay from 1836 to the year ending 1st July, 1847. After making a liberal deduction for the extraordinary traffic occasioned by the peculiar circumstances of the war during the year 1846, it will still show a vast increase upon any preceding year.

These documents, we submit, are of so convincing a nature as to render any comments from us, with reference to the rising commercial importance of Algoa Bay, and of the province which it represents, as well as of the vast capabilities which the extensive back country possesses for the production of valuable exports, almost superfluous.

Your Honour will not fail to remark how considerable an item of income might be added to the revenue of the eastern province, by the enforcement of duties on goods received coastwise. We have reason to believe that the estimate of £18,000 for that item will be found to be materially underrated. Should such a duty be put in force, it will materially tend to a reduction in the amount of merchandise received coastwise; but on the other hand, it will be counterbalanced by an increase in the amount of direct importations. In the estimate of £18,000, no account whatever has been taken of the numerous cargoes landed at the Kowie, Port Jessie, and other inlets along the coast.

While it might not probably be deemed prudent to impose any duty on flour and grain of all sorts, we submit that an important addition might be made to the customs' revenue by the imposition of a moderate duty on Cape wines and spirits.

The total amount of imports received in Algoa Bay from Table Bay in the year ending the 5th July, 1847, is estimated at £380,000, and the total amount of exports from Algoa Bay in 1846, is £141,619, being an excess of £6000 over the exports in the same year from Table Bay, exclusive of shipments coastwise.

We beg to observe that the statement of income and expenditure submitted to your Honour, and appended to your Honour's circular, is not very intelligible, and will be found at variance with the statement furnished to J. C. Chase, Esq., on the 19th October, 1846, by order of Sir Peregrine Maitland.

Of the large item of £89,613, stated to be expenditure common to both provinces, no details are given, so that it becomes impossible to analyze it; but we apprehend that, in the event of a separate government for the eastern province taking effect, and the formation of its own local institutions, a very small portion of that large sum will prove to be applicable to the eastern province. The probable increase of local income by the establishment of a separate government we believe to be much underrated.

By the appointment of a local survey office, the issue of title deeds of property, so long withheld, would be expedited, and an augmentation of land rents would consequently ensue, and a large amount of money might be realized by the sale of considerable tracts of unoccupied government lands.

With reference to the inquiry of the Secretary of State, respecting the "absence of representation, in the local legislature, of the wants, wishes, and rights of the eastern districts," we submit that the course adopted by the Legislative Council in matters affecting the interests of the eastern province has been frequently opposed to the wants and wishes of the inhabitants, and has been so unpopular as to render it almost impossible that any such compromise could be effected, so as to give entire satisfaction. In respect to frontier affairs, as regarding our relations with the Kafir tribes, the Legislative Council have generally turned a deaf ear to the repeated remonstrances and petitions of the eastern province; and when they have entertained any such representations, it has only been to throw doubt upon the statements advanced, and obloquy on the petitioners.

It is also a matter of record, that the Legislative Council unanimously voted for the abolition of the office of Lieut.-Governor as expensive and unnecessary,—one honourable member alleging that the utility of such an office would be rendered nugatory by the establishment of a post twice a week from Cape Town to the frontier.

A general impression appears to prevail in this community in favour of the adoption of similar principles in this colony to those proposed by Earl Grey for the government of New Zealand—that is, provided it be deemed inexpedient to form a separate and distinct government in the eastern province. It is almost superfluous for us to point out to Your Honour's notice, that there are many other colonies of minor importance, possessing far smaller resources, and a considerably less amount of revenue, who nevertheless enjoy the advantages of legislatures of their own. If the home government should, however, desire to have a Governor-in-Chief over the whole colony, then we submit that the regulations for the two islands of New Zealand may be, *mutatis mutandis*, rendered applicable to the two or more provinces of the Cape of Good Hope.

The vast inconvenience and injustice to the eastern province arising from the existence of a central road board in Cape Town only, has been so recently and so fully placed before the public as to leave few comments for us to make. We cannot help observing, however, that notwithstanding the counter statements and the defence set up on behalf of the Central Board, we consider that the main points contained in the memorandum appended to your Honour's letter of the 14th June remain uncontradicted. Whatever may be the *future intentions* of the Central Board, up to the present time it is an incontrovertible fact, that the whole of the moneys voted by the Legislative Council, and all the convict labour, have been expended on and applied to works in the western districts, and that nothing whatever has been expended in four of the eastern districts, beyond the charge of appraisement. We further gather, from a reference to the reports of the Central Board of 1844, 1845, and 1846, that the total amount expended by the Board in those three years is £117,416 5s. 7d., of which £6,305 18s. 11d. has been laid out in the eastern province, as per schedule G, and this has been done in defiance of the 26th and 27th sections of the ordinance before referred to.

In their report of 1844, the work in Howison's Poort is estimated at £2,000. Your Honour will have the opportunity of ascertaining, by inquiry on the spot, if this great excess of expenditure over the estimate has been the result of mismanagement or not, and whether, instead of being under the control of a board sitting at a distance of 600 miles, it had been under the management of a local board, a more satisfactory result might not have been obtained.

Since the meeting was held, an engineer has arrived from Cape Town, bearing instructions to proceed immediately, by means of free labour, with the road from Uitenhage to Graham's Town. We do not find, however, that he is instructed to devote any attention to the road from hence to the point of junction with the Uitenhage road, over which the traffic is so much more considerable than upon any other road in the colony, and many parts of which are in a very disgraceful state.

Your Honour will no doubt be sensible of the importance, both in a political and commercial point of view, of the high road from this place to Graham's Town,—it being the grand thoroughfare by which are transmitted a large proportion of the military and commissariat supplies, and over which passes the greater part of the increasing commerce of this extensive frontier.

We have already adverted to the important advantages which would accrue to the eastern province by the establishment of a local survey office; and we must also add, that we cannot imagine any valid objection to the establishment (whether under a separate government or not) of a local registry office, which would be a source of great convenience, and a saving of vast expense to the inhabitants of this province.

If any additional argument were wanting to prove the bad working of the present system, and the urgent necessity which exists for some decisive reformation, it is furnished by the fact that, many months ago, the resolutions and other requisite papers were forwarded to the Secretary to Government, from this town, in order to obtain an ordinance for the formation of a municipality in Port Elizabeth; and a reply was given, that during the absence of the Governor on the frontier, no meeting could take place of the Executive Council, without which no such measure could be introduced in the Legislative Council, and the contemplated improvements remain, therefore, anjourned *sine die*.

We beg to conclude this communication by an assurance that it will afford us the highest gratification to reply to any inquiries, or to furnish any further local information which your Honour, in the consideration of this very momentous question, may desire to obtain.

We have, &c.,  
W.M. SMITH, | W. M. HARRIES,  
W.M. FLEMING, | C. ANDREWS,  
JOHN E. BLACK.

#### ADDENDA.

(A)

##### *Statement of Revenue and Expenditure of the Eastern Province.*

1845.

* Total Expenditure.....	£41,410	Revenue, exclusive of Customs	£30,212
Surplus .....	2,611	Actual Customs.....	12,707
	<u>£44,021</u>		<u>£42,919</u>

From Official Return to J. C. Chase, signed John Montagu, 19th Oct., 1846.

1846.

No separate Statement having been published for 1846, the Expenditure is taken at the same as 1845 .....			
as 1845 .....	£41,410	Revenue—say, same as 1845	£30,212
Surplus .....	7,576	Actual Customs .....	18,774
	<u>£48,986</u>		<u>£48,986</u>

1847.

Actual Customs for the first two quarters of 1847, from Customs' Returns—£10,128

\* For heads of Expenditure and Revenue *vide* letter B.

(B)

##### *Detailed Statement of Revenue and Expenditure in the Eastern Districts of the Cape of Good Hope, for the year 1845.*

HEADS OF EXPENDITURE.			HEADS OF REVENUE.		
Lieutenant-Governor ...	£2,720	0 0	Land Rent .....	£7,359	2 11
Customs.....	620	0 0	Stamps and Licences....	5,447	2 1
Post Office.....	2,485	7 1	Auction Duties.....	5,737	13 9
Port Office.....	425	10 0	Transfer do. ....	7,444	12 0
Civil Establishment ...	5,782	8 4	Post Office .....	4,189	17 8
Ecclesiastical do. ....	3,495	0 0	Market Dues.....	24	4 8
School do. ....	2,662	10 0	Fees in Office.....	200	15 1
Medical do. ....	1,839	14 0	Fines, Interest, &c ....	245	19 2
Judicial do. ....	5,577	10 0	Sales of Government pro-		
Police, Prisoners .....	5,122	0 0	perty.....	1,103	13 3
Aboriginal native tribes..	3,251	14 0	Redemption Land Rents	84	19 1
Pensions and Allowances	1,709	0 0	Miscellaneous.....	373	9 4
Miscellaneous .....	5,720	0 0			
	<u>£41,710</u>	<u>13 5</u>		<u>£30,211</u>	<u>9 0</u>

From Official Return to John Centlivres Chase, signed John Montagu, 19th Oct., 1856.



(c)

*Statement of Imports into Port Elizabeth, coastwise, in the year ending 5th July, 1847.*

DESCRIPTION OF GOODS.	NUMBER OF PACKAGES	DUTY.
<i>Rated Articles :</i>		
Coffee .....	6,296 bags .....	£4,497
Gunpowder .....	57 barrels, 202 $\frac{1}{2}$ -do .....	196
Flour in barrels .....	3,071 barrels .....	460
Sugar, refined .....	453 casks refined and Brazil .....	182
Sugar-candy .....	1,086 boxes .....	58
Sugar, not refined .....	5,751 bags .....	862
Rice .....	3,790 „ .....	406
Tea .....	2,161 pkgs., 3,839 boxes .....	2,925
Tobacco, manufactured .....	1,485 pkgs. ....	1,705
Spirits, foreign, in wood .....	130 hhds., 25 casks .....	427
Do. do. in bottle .....	2,522 cases .....	315
Timber, deals, &c. ....	360 .....	10
Pepper .....	38 bags .....	6
Wine, foreign, in wood .....	30 hhds, 51 casks .....	250
Do. do. in bottle .....	1,185 cases .....	474
		£12,773

*Ad valorem Duties :*

Paints and colours .....	2,413 packages .....	30
Confectionary .....	1,096 do. ....	10
Candles and soap .....	2,389 do. ....	16
Drugs .....	405 do. ....	60
Hardware and spades .....	1,413 do. ....	212
Stationery .....	149 do. ....	46
Oilman's stores .....	7,978 do. ....	250
Leather manufactures .....	500 do. ....	375
Perfumery .....	12 do. ....	3
Earthen and glassware .....	557 do. ....	80
Beer .....	564 casks, 11 hhds. ....	29
Lead and shot .....	3,173 bars, 2 rolls, 4 cases, 24 kegs .....	10
Furniture .....	147 packages .....	50
Cordage .....	24 do. ....	3
Molasses .....	16 do. ....	2
Manufactures, silks, cottons, wool- lens .....	2,724 cases, 19,631 bales ...	6,990
Millstones .....	12 .....	5
Anchors and cables .....	5 .....	
		£20,944

Wines, Cape .....	1,089 hhds., 551 casks
Spirits, „ .....	1,988 „
Meal and flour .....	28,539 bags
Barley, oats, wheat, and beans...	14,553 „
Forage .....	417 bales
Bread .....	1,071 packages

(D)

*Rough estimate of revenue and expenditure for the year 1848, upon a separate government.*

Expenditure as in former years, say...£42,000	General revenue as in former years, (1845), say.....£30,000
INCREASE.	Probable increase..... 1,000
Judge Register, &c..... 1,500	Customs..... 20,000
Treasurer and Accountant-General's office, in one .....	Do. coastwise..... 18,000
1,000	
Additional to Lieutenant-Governor's department..... 1,000	
Surveyor's office..... 1,000	
Registry and Transfer..... 1,000	
Medical Board..... 500	
Council..... 750	
Customs (additional)..... 1,000	
Increase of salaries to unpaid officers... 1,000	
Do do postmasters 250	
Miscellaneous..... 1,000	
Surplus..... 17,000	
£69,000	£69,000
	By surplus..... 17,000

(E)

*Statement of general customs' revenue for the two provinces for the years 1845 and 1846.*

	1845.	1846.	Increase.
First Quarter.....	£17,239 7 11	£21,549 10 10	£4,310 2 11
Second do.....	20,551 16 7	25,016 16 11	4,465 0 4
Third do.....	22,040 6 10	26,860 19 10	4,820 13 0
Fourth do.....	22,540 17 6	28,996 18 6	6,456 1 0
	£82,372 8 10	102,424 6 1	Total, 20,051 17 3

From official returns in *Government Gazette*.

Total customs' revenue of both provinces, 1846,.....	£102,424
Eastern province do. from custom-house returns,.....	18,774

Leaving amount of customs' revenue for Table Bay,..... £83,650  
 Of which a considerable portion should come to the credit of the eastern province.

(F)

*An abstract of the shipping lists of Port Elizabeth, Cape of Good Hope, during a period of eleven years, bearing date the 1st January, 1836, to 1st January, 1847.*

	No. of vessels.	United tonnage.
1. From 1st January, 1836, to 1st January, 1837,.....	65	9,192
2. " " 1837, " " 1838,.....	70	10,147
3. " " 1838, " " 1839,.....	83	14,313
4. " " 1839, " " 1840,.....	84	15,252
5. " " 1840, " " 1841,.....	79	11,727
6. " " 1841, " " 1842,.....	93	13,964
7. " " 1842, " " 1843,.....	99	15,376
8. " " 1843, " " 1844,.....	121	25,936
9. " " 1844, " " 1845,.....	103	21,501
10. " " 1845, " " 1846,.....	153	28,186
11. " " 1846, " " 1847,.....	224	56,970
During 11 years, total number of vessels arrived,.....	1,174	223,264

Estimated value of these vessels, at £7 per ton, £1,562,848 sterling.

(Signed),

W. P. JAMISON, Harbour Master.

(G)

*Statement of expenditure of the Central Road Board,*Taken from their returns in the *Government Gazette*.

Total Expenditure.	Eastern Province.
1844..... £35,129 11 3	1844. Uitenhage..... £60 3 0
	Albany..... 145 10 3
	Howison's Poort, 634 1 7
	£839 14 10
1845..... £47,513 17 4	1845. Uitenhage and
	Albany..... 346 2 10
	Howison's Poort, 3,738 0 3
	£4,084 3 1
1846..... £34,771 17 0	1846. Uitenhage..... 157 15 7
	Howison's Poort, 1,224 5 5
	£1,382 1 0
Grand total..... £117,416 5 7	
Of which was expended in the eastern province, exclusive of the expense of appraisalment,.....	£6,305 18 11

Somerset, 13th August, 1847.

To His Honour Sir H. E. F. Young, Knight,  
Lieutenant-Governor, &c., &c.

SIR,—We have the honour to acknowledge the receipt of your Honour's circular of the 26th June, on the subject of the expediency of separating the eastern from the western province with regard to general government; and with reference thereto, we beg to state, for your Honour's information, that, as a body, we deem it most proper to reply to it, in our capacities of municipal commissioners of this place, without acting in concert with the inhabitants generally,—seeing that your Honour has caused copies of the circular to be addressed to numerous influential inhabitants, by which means your Honour is most likely to obtain : variety of information, and by the combination of which information your Honour will be more able to arrive at correct and well-regulated conclusions.

The necessity of more liberal institutions, and an independent jurisdiction in all matters connected with the administration of the eastern districts, has long been evident, and has led, as far as the inhabitants are concerned, to much unnecessary and expensive reference to the government at Cape Town—to say nothing of the delay; all of which would have been obviated, had there been a distinct and separate office for the registry of deeds, a surveyor-general's office, a central road board for the eastern districts, and a board for the more ready dispatch of business connected with testate, intestate, and insolvent estates.

From the comparative statement of the revenue and expenditure of the two provinces for the years 1846, 1847, and 1848, embodied in your Honour's circular, it would certainly appear that this province is, at the present time and under existing circumstances, unable to support itself as a distinct and separate one, or, in other words, as a sub-colony of the Cape of Good Hope; but in order to attain the object which has so long been desired by the inhabitants, viz., that of an entire separation from the western province, we are of opinion that no very great objection would be offered by them to a small increase in the shape of taxes; besides which, by the issue of titles to lands already promised by government, and by the disposal of waste lands, the revenue might be materially increased.

Moreover, were this province entirely distinct from the western, it is probable that a greater amount of commercial business would be transacted, which would also, in the same proportion, induce an increase in the population, and consequently an increase in the amount of the public revenue.

The revenue would also be considerably increased by the payment of fees having reference to matters connected with this province, but which are now payable into the various offices in Cape Town, and retained exclusively for the benefit of the western province.

The injury already sustained by the eastern districts with respect to road matters is, we regret to say, too evident. From information now in your Honour's possession, it appears that, in consequence of the Central Road Board being stationed at Cape Town, a heavy tax has, without consulting the wishes of the inhabitants of the eastern districts, been imposed upon them, for the alleged purpose of opening the main roads of the divisions in which the taxes are levied; and although the road ordinance enjoins that such amount shall be exclusively expended in and for the benefit of the divisions wherein the same may be collected, yet, notwithstanding a lapse of upwards of two years, nothing has been done—at all events in this division; which fact can lead us to no other presumption than that the whole amount collected in this division has been expended upon the main roads of the western province, to the detriment of the interests of the inhabitants of the eastern province.

The foregoing alone clearly shows the necessity of having a central road board for the eastern districts, thereby enabling the people to expend their own money to their own and the best advantage.

We are of opinion that the quantity of crown lands in this division is very considerable, and that the sum that might be raised by the sale of them would

amount to something handsome ; but in the absence of a regular survey, it is quite impossible to form an estimate approximating to anything like accuracy. In this division are also a few loan places, which by a conversion into quit-rent would also add to the revenue.

With respect to the cost of maintaining the various new establishments referred to in this letter, we do not feel ourselves competent to form an estimate, as all would depend upon the number of functionaries appointed, and the rate of salary granted to each.

We have ascertained that during the years 1844 and 1845, this division alone has been able to assist Cape Town and Albany with upwards of £4,000, being surplus revenue, besides leaving a balance in the division chest, at the end of 1845, of £377. This has been done from the ordinary receipts, with the exception of an item or two comprising amounts for the sale of a few pieces of crown lands. Seeing from the foregoing that, under ordinary circumstances, this division has, during the period mentioned, been enabled to spare the sum of £4,000, we may confidently assert that were all the crown lands disposed of, the title deeds to lands already promised by government issued, and the loan places converted into quit rent, the yearly amount of surplus revenue would be doubled. Should, therefore, all the other divisions in the eastern province, under altered circumstances, be capable of contributing, towards an independent government, amounts in the same proportion, we consider that the decision as to a sufficiency of funds would at once be established.

In case of a final separation of the provinces, it would also become necessary to have a local Legislature, as well as an Executive Council, in order that all laws suitable for the government of the province might be enacted on the spot. It is needless to enter into detail on this part of the subject, because very little additional expense would be incurred beyond that of a clerk of the Council. As to whether or not persons willing and competent to sit in Council are to be found in this province we cannot say ; but by a separation of the provinces, greater importance would be attached to this part of the colony, which might probably be the means of bringing into play talents lying hid and dormant from the want of sufficient scope for action.

We should further require to have our own Treasury. With regard to the Supreme Court, we are of opinion that it might, with advantage, be allowed to remain as at present constituted, and thus continue to extend its jurisdiction over both the provinces.

As the settlement of the Kafir question would, probably, in case of a separation of the provinces, be confined to this, and as a matter of course, all expenses connected with the civil government of the Kafir tribes would then devolve upon us, unless borne by the home government as extra colonial expenses, it requires great consideration, and in our opinion forms the only barrier to the project. This difficulty, however, might be overcome by a proper representation to the home government, which would doubtless consent to defray the expenses of governing the tribes in question, until such time as the country could pay themselves.

The committee appointed at a public meeting lately held at Graham's Town, having called for returns from each division in the eastern province of the revenue for the last three years, we have not attempted to collect information on that point, lest it might clash with their report, and thus render obscure that which it is so essentially necessary to present in as clear a manner as possible.

In conclusion, we, as a body, beg to express a hope that every effort will be made by your Honour to induce the home government to grant the separation so long desired.

We have, &c.,

JOSHUA J. NORDEN,	F. T. VAN AARDT,
WM. JACKSON,	SAMUEL JACKSON, sen.

Town Office, Graaff-Reinet, Sept. 15, 1847.

To His Honour Sir H. E. F. YOUNG, Knight,  
Lieutenant-Governor, &c., &c.

SIR,—I am directed by the board of commissioners for the municipality of this town to acknowledge the receipt of a circular letter from your Honour, dated 26th June, 1847, calling for such information as commissioners may be enabled to give, in support of the prayers of certain petitions from the inhabitants of the eastern division of this colony to the imperial government for alterations in the government of this province, so as to impart to it the vigour, stability, and efficiency of which it stands in need; and to state that commissioners, being aware that this circular had also been received by several other of the most influential inhabitants of this division, it was, after some consultation, deemed most advisable to bring the subject generally under the notice of the inhabitants, at a public meeting to be convened for that purpose, so that all might have an opportunity of expressing their opinion. Permission of the civil commissioner being obtained, a meeting was called for the 31st of July. Only a few people, however, attended, and in consequence, the meeting was adjourned to the 2d ult., when there was also so thin an attendance, that it was not deemed advisable to proceed to business on so important a question, or adopt any measures.

That as from this it did not appear probable that any great number of the inhabitants would be got together, commissioners decided on at once giving the subject their best attention, and framing such reply as, after mature consideration, they should be enabled to offer to your Honour on matters of such vast importance to the whole colony, and particularly so to this province. Having then resolved to take the subject more particularly into consideration on Wednesday, the 18th ult., commissioners invited all whom they knew to have received the said circular, and several other influential persons residing in this division, to assemble with them, and to give them the assistance of their counsel and advice. This took place accordingly.

That at this meeting it was the unanimous opinion, that a separation of the two provinces of this colony, and establishing two separate and distinct colonies, was not desirable, unless no other means could be adopted to give to the eastern division that due share in the attention and councils of the government which its position and importance demands.

Commissioners are of opinion that the interests of the whole colony, and also of the mother country, would be best consulted by removing the present seat of government from Cape Town to the eastern frontier (say to Graham's Town). This was recommended by a commission of inquiry sent to this colony by the imperial government, as appears in their report published by order of the House of Commons in 1827; and had their recommendation been acted on, much of the bloodshed and expense since incurred would have been saved. That a similar recommendation was made by Sir Benjamin D'Urban after the Kafir war of 1834-5; and as all the measures adopted by that wise and enlightened statesman are now universally allowed to have been so well calculated to benefit the colony, as well as our restless and barbarous neighbours, the Kafirs, and to have been the very best that could have been devised, and which would, had they been continued and acted on, have prevented the disastrous and calamitous war we have now been so long engaged in,—the bare fact of the measure having been so recommended is a strong argument that the reasons in favour of it are much stronger than any that can be urged against it.

That there are many very strong and urgent reasons why the seat of the supreme government, as well as the heads of several departments now at Cape Town, should be near our present eastern frontier,—one of the most prominent being the Kafir question. That, in the opinion of commissioners, no settlement of that question short of taking possession of a large tract of the country occupied by the Kafirs, and bringing its inhabitants under the jurisdiction and government of this colony, will give a chance of future security and peace. That being done,



the most vigilant and watchful care on the part of the government will be required, and those responsible for the exercise of such vigilance should be on the spot to superintend it. That if, on the other hand, it should be determined to keep to our present boundary, and leave the Kafirs an independent people, the reasons for the responsible government being on the spot would be still stronger; for wars will again and again take place, and to be prepared for it, it is necessary the government should be aware of its approach, which past experience has shown is not likely to be the case whilst the supreme government is 600 miles distant. That, in either case, however, it is certain that, for years to come, a very large military force must be kept on the frontier, or in Kafirland, or both; and therefore the Commander-in-Chief, the Quarter-Master and Adjutant-General's departments, and the chief of the Commissariat department, should be where the troops are, and not as at present, at a distance of 600 miles, and frequently all communication between them stopped by the rise of rivers, or heavy rains, for several days at a time.

That the Surveyor-General's department should be in the eastern division; for it is here chiefly where title deeds have still to be issued, where re-surveys have to be made, and where the personal inspection of the Surveyor-General is frequently absolutely necessary. Commissioners consider that these arrangements of removing the supreme government and heads of departments to Graham's Town might be carried out without incurring any very great expense to the colony, or any material derangement of its affairs; nor do they consider there is any objection to be urged against it, other than the private interests of the inhabitants of the Cape and one or two neighbouring divisions. This, then, commissioners would recommend as the plan easiest of execution, and by far the best that could be devised for the future interests of all; but if the government do not see fit to adopt it, then as the next best step, commissioners would recommend a partial separation, as follows:—Let there be an Executive Council to act and advise with the Lieutenant-Governor, the Lieutenant-Governor and Council to have and exercise the same rights and powers in the eastern province, as the Governor and Executive Council in the western, and be responsible for their acts only to the imperial government in England.

The executive government of the eastern province to have the exclusive management of its revenue and expenditure, and of everything relating to the civil departments. All goods imported into the eastern province from the western, that have paid duty there, to be allowed a drawback of the same amount from the government of the western province. The Executive Council of the eastern province to be composed of the Lieutenant-Governor, his secretary, and the civil commissioner of Albany, and one or two more, if need be. All laws and ordinances to be passed by the Legislative Council at Cape Town, as usual; but any having reference to the eastern province, before being read a second time, to be submitted to the Executive Council of the eastern province, each member of which to be allowed to vote (by proxy) in the Legislative Council, at the second and any subsequent reading, or in committee, on any such measure so submitted to them.

The Supreme and Circuit Courts to remain as at present; also Attorney-General's department, Master of the Supreme Court, &c., the eastern division to bear its fair proportion of the expense thereof. The Registrar of Deeds' office also to remain as at present; but commissioners would suggest as an improvement in this department that one of the officers in each division, say the clerk of the peace, should be empowered to enregister transfers of land, mortgages, &c., &c., and transmit a list weekly to Cape Town for enregistration in the general office there. This would save the expense and risk of forwarding valuable documents to such a distance, and prevent mistakes which now creep in (notwithstanding the corrections of agents) from want of knowledge as to the locality, &c.

The executive government of the eastern division to have the sole and entire management and responsibility of all matters relating to Kafirland and the Kafirs, in whatever way a settlement of our present differences be effected. The

western division might contribute a certain sum annually, to be in lieu of burgher duty of its inhabitants, who should not in that case be liable ever hereafter to serve, so long as that annual contribution was paid and received.

This arrangement would not materially increase our present expenditure :—

Our estimated revenue for the present year is.....	£44,143
Our expenditure .....	31,137

£13,006

Leaving a balance in favour of the revenue of thirteen thousand pounds, to which must be added the amount to be received as drawback from the western division on goods which have paid duty there, and been re-shipped to this province—certainly not less than £20,000. This would amply cover any additional expense these alterations may require. A Surveyor-General's office would be required, so that no reference need be made to Cape Town on any land question of the eastern division.

If neither of the foregoing plans should meet with the approval of government, then commissioners would recommend a total and entire separation of the two provinces—giving to this province its own Governor, executive and legislative council, and other offices necessary for a separate and distinct colony, as well as a judicial establishment independent of the western province.

This would necessarily entail an expense which perhaps the *present* ordinary revenue would not be sufficient to meet; but commissioners are confident that the inhabitants would cheerfully submit to any tax that might be found necessary to be raised for the purpose of making good the deficiency, until, by the ordinary means, the revenue be sufficiently increased, and which, from experience of the past, and a knowledge of the capabilities of the province, and the spirit and enterprise of its inhabitants, commissioners know would be a very few years.

That, in the adoption of either plan, commissioners are of opinion that each province should have the exclusive management of the repairs of roads, or opening up new ones,—past experience having shown that a Central Board at Cape Town is unable to do justice to the eastern province, having almost exclusively expended the funds at their disposal in the western divisions; that if money raised by the Board in the eastern divisions had been placed at the disposal of the Divisional Boards, there would have been nearly sufficient to have put *all* the roads in a good state of repair, and to have kept them so for some considerable time; that, although upwards of £1000 was raised in this division, not one farthing has been expended on its roads, which are becoming in some places impassable (and will ultimately cost treble the amount to repair them), to the serious loss and inconvenience of the inhabitants and travellers.

That if a separation of the provinces should take place, commissioners believe the revenue of the eastern districts would fall very little short of £70,000, —a sum, they should conceive, quite sufficient to maintain such a government as would be requisite.

I have, &c.,

H. J. BORCHERDS, Town Clerk.

## REPORT

OF THE COMMITTEE APPOINTED AT THE GRAHAM'S TOWN AND OTHER PUBLIC MEETINGS.

Graham's Town, 12th October, 1847.

To His Honour Sir H. E. F. YOUNG, Knight,  
Lieutenant-Governor, &c., &c.

SIR,—Referring to your circular letter dated 26th June, 1847, addressed to numerous landholders, agriculturists, and merchants in this province, stating that Her Majesty's government having had under consideration certain petitions from the inhabitants, praying that more liberal institutions should be conceded to the

eastern districts; that enlarged powers and an independent jurisdiction, in all matters connected with the administration of the districts should be conferred on the Lieutenant-Governor, &c., and upon which the Secretary of State had called for such evidence, in support of the allegations contained in those petitions, as the local knowledge, experience, and stake in the eastern districts of the parties addressed, might qualify them to afford; the undersigned have the honour to make thereon the following report:—

Before entering, however, upon the subject-matter of inquiry, they deem it necessary to premise, that those of the subscribers who were favoured with your Honour's communication were so strongly impressed with the deep importance and magnitude of the questions proposed to them, and which so obviously involved the essential interests of the public, that they shrunk from offering thereon their individual opinions. Hence they were induced to solicit the co-operation of others equally interested with themselves in the topics brought under consideration, and at whose suggestion, in concurrence with their own views, a public meeting of the inhabitants was called, and took place accordingly on the 9th July, in the public court house. At this meeting, after an ample discussion as to the nature of the information called for, in terms of your Honour's circular, a committee of thirteen members was chosen, with power to add to that number, and who were instructed to collect the most accurate and fullest information that could be obtained in elucidation of the mooted questions, and to prepare from the materials so collected such a report as should put your Honour, for the information of Her Majesty's government, in possession of the grounds on which the demand for separate and distinct institutions had been founded; and also as to whether those grounds were of a character so solid and enduring as to warrant the inhabitants of this province in still aiming to effect so great an alteration in the polity of the colony as that in question.

*Graham's Town Committee.*

C. Maynard, J. P.,  
Chairman; G. Jarvis;  
W. R. Thompson; B.  
Hadley; H. B. Ruth-  
ford, JP; J. Walker;  
P. W. Lucas; H.  
Blaine; R. Goddington;  
W. Wright; L. H. Men-  
rant; Dr. Atherstone,  
J. P.; W. Ogilvie.

*Sidbury Committee.*

Capt. Lungley; Rice  
Smith; S. Hartman.

*Salem.*

W. H. Matthews, JP;  
Dr. Livingstone; G.  
Impey.

*Bathurst.*

W. Cock, sen., J. P.;  
T. Berrington; T. Hart-  
ley; J. Harvey.

*Somerset.*

R. Hart, sen., J. P.;  
G. E. Joseph; J. Per-  
kins; D. W. Pringle.

Subsequently to the meeting at Graham's Town, public meetings were also held at Sidbury, at Salem, at Somerset, and at Bathurst, at each of which it was resolved, in preference to preparing separate reports, to send members to the Graham's Town committee, and by which its number was ultimately augmented to twenty-seven individuals.

In entering upon the duty thus imposed upon them by their fellow colonists, and to which the committee, deeply impressed with its importance, have devoted their most anxious and careful attention, it is deemed necessary to state, that to avoid, if possible, all inaccuracy, they declined availing themselves of any existent data upon the questions submitted to them. They have, therefore, gone over the field of inquiry anew, drawing their information from the most unexceptionable sources, chiefly official, in reference to each head of inquiry with which they are charged.

Before entering upon the specific subjects of inquiry, the committee take leave to remark, that the necessity for a distinct and separate government for this province is a conviction which has been growing in intensity almost ever since the foundation of the district of Albany by the British settlers in 1820. Induced, as these emigrants were, to come hither on the invitation of the then administration of government, they naturally expected to enjoy in this country the same fostering care, the same liberty of action, and the same protection of life and property, as that to which they had been accustomed in their fatherland. But in cherishing this expectation, they soon found they were labouring under great delusion. Their position was discovered to be both a difficult and dangerous one; and as their confidence in the local government, from its great distance, became impaired, if not entirely lost, they were induced, as early as 1822, to transmit a memorial to Earl Bathurst, then Secretary of State for the colonies, in which it is set forth that one grand cause of the then disturbed state of the province was to be attributed to the remoteness of the seat of government—the memorialists remarking, that “by waiting the decision of the Commander-in-Chief, six hundred miles distant, in every emergency, offences are allowed to accumulate to an alarming

amount, and the slender means of defence the settlement possesses, deprived of the power of acting with promptitude, is forced to present to the Kafirs at once the appearance of eumity and weakness."

It is very satisfactory to remark that this and other subsequent representations from this province made so deep an impression upon the home government as to lead, in 1823, to the appointment of a commission of inquiry, which was sent hither, armed with full powers to collect evidence upon all matters connected with the administration of the local government, the actual wants of the people, the character and working of the then existing institutions, the state of our relations with the border tribes, and generally to examine into and report upon all matters connected with the then condition and future prospects of the colony at large.

On the arrival of the commissioners in the eastern province in 1823, its total population, *including the district of Beaufort*, was, by their estimate, 39,513 free persons and 6,575 slaves—total, 46,088 souls,\*—the population of the district of Albany, included in this enumeration, being stated at 2,767 free persons and 400 slaves; whereas, at the present time, the total population of the province amounts to upwards of 70,000 persons, *exclusive of the division of Beaufort*, and for the district of Albany alone, of 18,000 souls; being an increase in the former of upwards of 50 per cent., while in the latter it is nearly sextuple that of the period in question. Added to this, it must be remarked, that on this increase there is no drawback on the score of slavery, —all classes, since the passing of the Emancipation Act, standing on one common level in relation to the government, and also to the community of which they form a part.

The accumulation or growth of property, and also the increase of commerce, has fully kept pace, as will be fully seen under its appropriate head, with that of the population of the province.

In 1825, two years after the arrival of the commissioners of inquiry, the amount of annual exports did not exceed £5,000; while for the year ending 5th January, of the *present year*, it amounted to £199,120.† The imports for 1825 are returned at £13,090,—for the *past year* at £253,848, besides a coasting trade with Cape Town to the amount of £381,000

The committee deem it important that these facts should be placed in juxtaposition, so as they may, if possible, be borne in mind in the discussion of the questions now under consideration. They submit that they furnish strong *prima facie* evidence in support of the claims of the eastern province for a distinct and separate government; and if they should be able to show, as they are persuaded they will, that the resources of the province are amply sufficient, without any additional taxation, to provide an ample civil list, and to support, in an efficient state, the public institutions of the country, as well as to carry out its improvements, they then submit that the time has arrived when they may expect the whole subject, in all its various interests, will receive from Her Majesty's government that grave and careful consideration to which it is so unquestionably entitled.

That the claim thus urged upon the attention of the government is not premature, will be abundantly proved by the fact that the commissioners of inquiry, at the early period of their visit, and after a most careful examination of every matter and thing having a bearing upon the subject, recommended strongly the adoption of those very measures which the inhabitants of this province, after the lapse of 23 years, are still endeavouring to obtain. At the period of their visit, in 1824, one important part of the machinery of government consisted in the boards of Landdrosts and Heeinraaden. The fact of the latter being selected from among the inhabitants, gave at least a popular character to the office, and the more so,

\* The population of the whole colony in 1806, when it became a British possession, was 75,145.—*Vide* Civil Servant on the Cape in 1822, page 354.

† The amount of exports for the preceding year was £223,031—the diminution arising from the disturbed state of the province during the *past year* (1846). The total exports for the *two provinces* in 1821 was Rds. 2,012,125, or in British money £150,909 7s. 6d.—*Vide* Civil Servant.

inasmuch as these boards originated, as the commissioners of inquiry remark, "in the necessity of providing some judicial authority for the adjustment of disputes among the inhabitants of the country districts, and of sparing them *the inconvenience of perpetual recourse to Cape Town.*"

Unfortunately for the parties interested, these courts were abolished on the recommendation of the commissioners, while those of their suggestions which would, if acted upon, have been an equivalent for their loss, were disregarded, and have never to this moment been attended with any practical result.

This is the more remarkable, from the fact that the suggestion as to the eastern province being formed into a distinct and separate government was not casually or incidentally made; but that it stands out prominently amongst the most urgent recommendations made by them as to the future government of this country. They state that—

The early impression that we received of the embarrassment to which all measures, both of executive and judicial authority, were liable from the great extent of territory that the colony includes, having been confirmed by longer experience and observation, we felt much satisfaction in hearing that the measures which we had the honour to suggest, of separating the government of the eastern and western portions of it, had received His Majesty's approbation. It was manifest, indeed, that a measure of the kind had become necessary, from the increased pressure of business and correspondence with the remoter districts of the frontier, occasioned by the settlement of the English emigrants; the importance of applying some uniform and consistent principles to the intercourse of the colonists with the Kafirs and other tribes, of preventing their collision, and checking the desultory warfare that has prevailed along a considerable portion of the frontier.

After adducing some other reasons in support of this suggestion, the commissioners of inquiry propose—

That the whole territory of the Cape of Good Hope, which is now subject to His Majesty's dominion, should be separated into two provinces, one of which, comprising the districts of the Cape, Stellenbosch, Swellendam, Worcester, and Clanwilliam, may be denominated the *western province*; the other, consisting of the districts of Graaff-Reinet, Beaufort, Somerset, Albany, Uitenhage, and George, may be named the *eastern province*.

At a subsequent part of their report, the commissioners of inquiry

Express a hope that, when sufficient time has elapsed to admit of the more perfect acquirement of the English language by the native inhabitants of the colony, and to enable them to share in the business of public discussion upon equal terms with their English fellow-subjects, and more especially when the effects of the measures now in progress for the amelioration of the slave population shall have placed the future condition of that class, or, more properly, that of their children, beyond the reach of legislative caprice or control, and shall have rendered the reaction of such measures more dangerous than the pacification of them, the institution of a legislative assembly in each province of the colony may be resorted to, and with every reasonable prospect of contributing to the tranquillity and happiness of both.

It need scarcely be remarked that this suggestion has, like the former, been totally disregarded. The favourable period and attendant circumstances referred to by the commissioners have long since arrived, but the hopes thus excited have never been realised. No Legislative Assembly has been instituted, nor have the inhabitants of the eastern province had any share in the deliberations of the Legislative Council in Cape Town. They have been recognised as a portion of the colony merely for the purposes of taxation; but they have had neither voice in the levying of the taxes thus exacted from them, nor in their ultimate appropriation.

On the important subject of the constitution of the government of the eastern province, the committee submit that, for the present at least, it would be advisable to assimilate it in principle and form to that which at present obtains in the joint provinces; that is to say—that it should consist of a Governor and Executive Council, to be appointed by the Crown, and a Legislative Assembly; but with this important difference, that the latter, in addition to the Governor and Executive Council, should have associated with them at least an equal number of representatives freely elected by the people.

It has been, the committee are aware, objected that insuperable difficulties exist to the exercise of the elective franchise in this colony; that from the sparseness of the population, and its diversified character, it would be impos-



sible to obtain such a result, were the attempt made, as the advocates of popular representation are led to imagine. The committee have given this subject their best consideration, and are fully persuaded that all such fears are utterly groundless. It is quite true that any system adopted in this province must, from the scattered state of the inhabitants, and large extent of country over which they are spread, be modified to their particular circumstances. But the committee conceive that this would be easy of accomplishment, and that the whole subject is not encumbered with those difficulties upon which the favourers of a close and narrow system are ready to insist.

The question of qualification of electors need not be dwelt upon here; but when it is considered that the great bulk of the inhabitants are landholders, the smallness of the difficulty of fixing the qualification will be at once apparent. The same remark may be made as to the mode of election. The time being fixed by proclamation, the municipal boards might be entrusted with the duty of conducting the details—either they or the sheriff of the district being charged with the duty corresponding with that of “returning officer” at elections of members of the House of Commons in the parent country.

The committee abstain from going into farther particulars,—their sole object in stating what they have done being to show, that there are really no difficulties in the way of an elective representative council for this province, as recommended by the commissioners of inquiry, which may not be easily and effectually overcome.

The committee have also to remark upon the public inconvenience which is experienced in the eastern province, by the remoteness therefrom of the Supreme Court of the colony. This subject has recently engaged a large share of the public attention, and lengthy discussions thereon have been held in the Legislative Council, though without leading to any sufficient remedial or practical measures; for although a majority of the Council voted for a complete organic change in the judicial system of the colony, yet that vote was not confirmed by Her Majesty’s government, on the ground that the maintenance in the capital of the colony of a Supreme Court over the whole settlement, is a stable (“if not immutable”) principle of the judicial system of this country. But while the committee must accord their warm approval of this sentiment, they cannot, at the same time, be insensible of the great public inconveniences which arise from that court being situated at a distance of nearly 700 miles from the eastern borders of this province.

This is so clearly set forth in the following passage of a letter, addressed by the Honourable Secretary to Government, Mr. Montagu, to the Governor of the colony, under date 16th March, 1846, as to preclude the necessity of any lengthened comment on their part. Referring to the evils of the existing system, Mr. Montagu remarks:—

During the period of six years, six prisoners only were brought to trial within one month from the date of commitment in the five divisions, and of these, five of them occurred in one division. Of the 656 unbailed prisoners tried in the five divisions during the period referred to, 223, or more than one-third of the whole number, were imprisoned between commitment and trial for periods exceeding six months, and of these, 63 for periods varying between three and six months, and 128 for periods between one and three months. The above in centesimal proportions stand thus:—

Not exceeding one month.....	100	per cent.
Above 1 and under 3 months.....	23	„
Above 3 and under 6 months.....	43	„
Above 6 months .....	34	„

It is unnecessary for me (observes Mr. Montagu) to refer to the number of *innocent* witnesses put in prison in order to secure their evidence, as Mr. Justice Menzies’ observations contain a return for a period of those years, which for the period referred to gives for the two circles in question, 130 witnesses detained in prison for periods varying from 10 days and under 198.

It appears very evident, from this and other evidence, that the evils of the present system are not atoned for by the bi-annual visits of a single judge on circuit, and who not unfrequently despatches the business brought before him with

almost breathless haste, working against time, so as to reach the next circuit town by the date previously announced for the commencement of the ensuing sessions.

Admitting most fully, as the committee do, the force of those arguments which have been used against "isolated judges," and the evils to be apprehended in not having on the bench judges of high qualification, or a bar distinguished by integrity, learning, and ability, they conceive that the surest safeguard against such anticipated ills, as well as remedy for those above-mentioned, will be the appointment of a distinct and separate judicial establishment in the eastern province, to provide for the efficient maintenance of which its revenue, as will be shown hereinafter, is sufficiently ample.

In reference to the "Master's Office," to which is committed all matters connected with insolvent and intestate estates, the public of the eastern districts are subjected to great delay, expense, inconvenience, and risk, in the transmission of documents to so great a distance as Cape Town,—all of which would be obviated by a separation, as suggested, of the two provinces.

Another serious disadvantage under which the eastern province labours from its remoteness from the seat of government at Cape Town, is in reference to its educational department. On this head the committee remark, that the existing system was adopted in 1839, at the recommendation of Sir John Herschel and others, who felt with him the high importance of greatly improving and extending the system of public education in operation in this colony. To secure this great object, a Superintendent-General of Education was appointed, to take the supervision of the whole scheme, and to visit in rotation, *at least once a year*, every public school throughout the colony.

This duty has been found impracticable, or at least it has not been performed—a period of three years having elapsed since the last visitation of this officer; and thus what may be considered as the main-spring of the whole machinery has, in its most important action, been altogether inoperative in this province. Nor has this omission been atoned for by increased activity in corresponding by letter with the masters of the public schools, or with the boards of school commissioners in the several districts; complaint, on the contrary, being general that such correspondence has been alike unfrequent and unsatisfactory. The committee, moreover, do not consider that the public funds applied to this branch of the public service have been equitably appropriated, as will be seen from the following abstract from the official estimates for the ensuing year, (1848):—

WESTERN PROVINCE.			
Cape Town—Superintendent-General.....	£706	0	0
Normal School.....	334	0	0
South African College.....	400	0	0
	<hr/>		
Minor schools in Cape Town and in the western districts .....		£1,440	0 0
		3,738	5 0
	<hr/>		
Total.....		£5,178	5 0
EASTERN PROVINCE.			
Graham's Town.....	£351	0	0
Schools in the other districts of the province.....	2,032	10	0
	<hr/>		
		£2,383	10 0

The great disparity in the sums thus apportioned to the eastern and western provinces is not, the committee submit, accounted for by an enumeration of the population, or by the state of society in each, separately considered. It may be, and has indeed been affirmed, that the inhabitants of the eastern province are inferior to those of the western districts in intelligence and general moral culture; but if this be admitted, then how obvious is it that the public means should be applied in a larger, and not inferior, degree, to where they are so much more pressingly needed. This argument is greatly strengthened, if we add thereto a consideration of the unavoidable connection of the eastern province with the native tribes which border upon it, and whose advancement in civilization must essentially depend upon the high moral character—which can alone be formed by sound education—of the people of this province.

The committee have also to state that a serious grievance, of which the inhabitants of the eastern province have had to complain, arises from the want of a Land Registry and Surveyor-General's Office.

The commissioners of inquiry recommend "the establishment of a separate office of registry in each province;" but notwithstanding, the inhabitants here are still obliged, in all matters relating to the admeasurement and transfer of lands, to resort to the office in Cape Town. The consequence is, that everything connected with lands in the eastern province is in the greatest possible confusion; numerous farms are occupied without titles; others overlap each other; the extent and situation of the unappropriated crown lands are unknown; and the public have to suffer inconvenience, expense, loss of time, and risk, in having to appear, either in person or by proxy, at the Land Office in Cape Town, whenever a transfer is made of land situated in this province.

Vide Report printed by order of the House of Commons, in 1827.

Appendix B.

The state of the public communications has also furnished occasion for much dissatisfaction to the inhabitants of this division of the colony. They are not satisfied that a board sitting in Cape Town, 600 miles distant, should be charged with the construction of the roads and bridges which are necessary to this province. They conceive that they are themselves the best judges of their own wants in this respect, and they maintain that they ought, in reason, to be entrusted with the appropriation of the moneys which they contribute to this object. This is the more strongly forced upon their attention by the neglected state of the roads throughout the province; by the absence of bridges over the rivers which intersect the main thoroughfares; and by that general indifference with which applications from this end of the colony to the Central Road Board, for the repair or construction of roads, are too often treated.

Vide Correspondence with the Divisional Road Board at Somerset.

A last cause of objection to a central government in Cape Town, and reason for the separation of the two provinces, is the state of our relations with the native tribes with whom we are in immediate proximity. On this most vital question, the opinions of the commissioners of inquiry have been already given. These are distinct and emphatic as to the importance, in this respect, of having a chief magistrate, uniting in his own hands and directing the civil and military authority. After the favourable opportunities enjoyed by the commissioners for the examination of this subject in all its bearings; after many months of laborious research, the examination of numerous witnesses, and a personal inspection of the features of the country forming the frontier districts, they close their able but laborious report by remarking that—

"It is at once consolatory and satisfactory to reflect, that any measures which have a tendency to preserve the tranquillity of the frontier on the side of Kaffraria, will in the same degree contribute to the prosperity and commercial enterprise of the colony."

Vide their report, p. 83.

But cogent as were the arguments used in support of this recommendation, and zealously as they were urged upon the attention of the government, still they failed in the desired effect. All influence by the inhabitants in the local legislature has been withheld, and the result was, that their reiterated representations to government failing to have that weight to which they were justly entitled, a general irruption in 1834 of the Kafir tribes upon the colony took place, attended with the loss of much valuable life, the destruction of private property to the amount of more than £300,000, and the expenditure by the British Treasury, in forcing back the tide of invasion, of little short of a million of pounds sterling.

The records of the day will show both the extent and degree of the calamity, and which therefore need not be dwelt upon here; but the reference is necessary and relevant, to show that it induced in the mind of the then Governor of the colony, Sir Benjamin D'Urban, the same conviction as that enunciated by the Commissioners of Inquiry, and to which we have above referred. That able and gallant officer, at the close of his arduous labours, in repelling this barbarian inroad, after spending many months on this frontier and in Kafirland, and bringing to bear upon the entire subject his most deliberate judgment, came pre-

Appendix C.

cisely to the same conclusion as that to which the Commissioners of Inquiry had arrived by a different process,—namely, that it was essential to the security of the country that there should be “a chief magistrate uniting in his own hands and directing the civil and military authority on the spot.”

The suggestion made by this officer to the Secretary of State was not recommendatory of a separation of the two provinces, but of the more sweeping measure—the removal of the seat of government to Uitenhage—thus placing the chief Executive in more immediate contiguity to the Kafir frontier, as well as in a more central position to the entire colony.

The committee have directed to a consideration of the relative advantages of the two proposals their most anxious attention, and the result is a conviction that a division of the two provinces, and their endowment into separate and distinct colonies, is by far the most practicable measure; that it would be attended with fewer difficulties, and be productive of greater advantages to both provinces.

In considering this part of their subject, the committee have been unable to divest their minds of the conviction, that, however politic, as regards the Kafir country, might be the removal of the seat of government from Cape Town to this province, yet that, in other respects, it would be as impolitic, nationally considered, as it would be harsh, if not unjust, as respects the inhabitants of the western extremity of the colony, who have invested a large capital in reliance on the stability of the public institutions in that quarter.

On the other hand, a separation of the eastern from the western province is exempt from either of these objections. It leaves *intact* the old colony of the Cape of Good Hope, and it proposes to mould into an entirely separate colony a territory, which has already become far too unwieldy for government by an Executive in Cape Town; and which, moreover, is in circumstances to defray the expenses of its own government, and to maintain from its own resources those public institutions that, in the event of separation, it would be necessary to establish.

The state of our relations with the native tribes of South-Eastern Africa gives vast additional force to the evidence in support of this measure. Uncontrollable circumstances are gradually, but surely, extending the British dominions in this country. Within the past eight years the fine country of Natal has been annexed to the possessions of the crown. A large portion of Kafirland is at this moment occupied by Her Majesty's forces; while there are active elements in full operation across the northern boundary, which indicate decisively that British sway must ere long be extended in that direction.

For some time past the necessity of connecting Natal with this province has engaged the attention of all who view the subject either commercially or politically. Existing circumstances, if but duly improved, are highly favourable to this junction. Already numerous parties of British subjects have moved forward in the right direction, are beyond the colonial boundary, and cannot be recalled. Nor can the government, without serious injury, leave them to their own plans, to be impelled onward, without guidance or control, by their own impulses.

The seed of British colonization has been sown in this wide region, and it rests with the government whether it shall produce a harvest of good or evil to South-Eastern Africa.

This has long been a subject of great anxiety to all who are conversant with the geography, and condition, and character of the various native tribes of South Africa. Amidst, however, the mass of evidence that might be produced, the committee select only that of the Rev. Dr. John Philip, Superintendent of the London Society's Missions in this country, as given before the Parliamentary Committee on the Aborigines of the British Settlements, on the 4th of July, 1836:—

Vide Report on Aborigines of British Settlements—ordered by the House of Commons to be printed 5th April. 1836—page 631.

“The importance of this colony,” says this witness, “as the basis of operations that are destined to effect much good or much evil to a large portion of the human race, becomes every day more distinct. When I take a review of the numerous rapidly improving tribes of the interior, it appears to me clear that we are to be the instruments of subduing them to Christ, or

they are to be the instruments of divine vengeance upon us for our neglect of so plain and obvious a duty. *India does not require more ability, or a more simple form of government.* The mischiefs consequent upon failure will be less striking to the public eye, than the ruin of India would be : but the ruin would be more complete and less remediable, as far as we and some hundreds of tribes of men are concerned, than would occur even by the ruin of India. *An able governor of the Cape might in twelve years influence the continent of Africa as far as the Tropic,—influence it for good : make every tribe to know its limits, to be content with its own, to respect its neighbours, and to drink with eagerness from the fountains of our religion, civil policy, and science."*

Nothing, it is conceived, will conduce more directly and powerfully to these results than the severance of the eastern from the western province, and the establishment of the former as a separate and distinct colony. This would bring at once to the very point at which it could act with the most salutary effect that power which the British government is providentially called upon to exert for the amelioration of the condition of the barbarous tribes of this country. These may be made the subjects of moral influences, and which alone can render them safe neighbours, or conducive in any way to the general well-being of the human family. The pioneers of civilization are already in that country, and "no power upon earth can close upon the emigrants that fertile wilderness—offering, as it does, resources to every kind of industry, and a refuge from every want."

M. Tocqueville on democracy in America.

#### EXTENT AND CHARACTER OF THE EASTERN PROVINCE.

The eastern province comprises an extent of 37,374 square miles, a very large proportion of which consists of first-rate sheep pasturage. The country generally is well adapted to grazing and agricultural pursuits, and it has several magnificent forests of excellent timber, available for all the purposes of building. Its seaboard, from the Knysna to the Kei, is about 400 miles in length ; the principal seaport is Algoa Bay, which within the last six years has been visited by 793 vessels, comprising 161,933 tons, valued at £1,133,531. There are also several good roadsteads, where considerable traffic has been carried on of late, viz. : Port Frances at the Kowie ; Port Jessie at Cawood's Bay ; Waterloo Bay and Buffalo Bay. Port Frances, Waterloo Bay, and Buffalo Bay have been made available by the government for the transport of military stores for the troops in Kafirland to a very considerable extent.

The country is watered by twelve principal rivers, viz. : the Kromme, the Gamtoos, the Zwartkops, the Sunday's, the Bushman's, the Kareiga, the Kowie, the Great Fish, the Keiskamma, the Buffalo, the Great Orange, and the Kei Rivers, besides numerous tributary streams.

The eastern province is divided into six districts, containing six principal towns, besides Port Elizabeth, viz. : Graham's Town, Uitenhage, Somerset, Cradock, Colesberg, and Graaff-Reinet, which are placed under the superintendence of six civil commissioners. The inhabitants number 70,221, or about  $1\frac{7}{8}$  per square mile, and are thus distributed :—

Port Elizabeth contains.....	3,382
Uitenhage .....	11,019
Albany.....	17,000
Somerset .....	8,500
Cradock .....	8,884
Colesberg.....	7,828
Graaff-Reinet .....	8,108
Kat River Settlement .....	5,500

70,221

The number of live-stock in the eastern province is very considerable, and consists of—

Horses .....	38,923	valued at £7 10s.....	£291,847 10s.
Horned Cattle .....	279,087	.. 1 10s.....	418,630 10s.
Goats .....	411,084	.. 0 5s.....	102,771 0s.
Swine .....	725	.. 0 15s.....	543 15s.
Sheep .....	2,967,635	.. 0 10s.....	1,483,817 10s.

Total value of live stock.....£2,297,609 5s.



There are 35,000 acres of land under cultivation in the eastern province, which, on an average of the last three years, have yielded the following annual produce :—

Wheat.....	155,265 muids, at 10s...	£77,632 10 0
Maize .....	24,441 „ 6s. 8d...	8,147 0 0
Barley.....	62,884 bushels, at 5s...	15,721 0 0
Oats .....	100,151 „ 3s. 2d...	15,857 1 0
Oat Hay ..	10,250,460 per 100lbs. 6d. .	30,751 7 7
Wine and Brandy ..	86,944 gallons, 1s. 6d...	6,520 0 0
		£154,628 18 7

The value of immoveable property, as calculated by the Road Board for the purpose of a road tax, has been taken at £2,136,795. There are, however, crown lands yet to dispose of in four districts (no return having been made from two districts), amounting to 3,459,500 acres, which, at only 6d. per acre, will give the sum of £86,487 10s., at the disposal of government.

Appendix I.

The expenditure of the eastern province, calculated from an official return of the expenditure of the whole colony by the Honourable the Secretary to Government, amounts to £41,365 17s. 2½d.

Appendix K, L, M,  
N, O, P.

The yearly revenue of the eastern province from official returns of the civil commissioners to the committee, calculated on an average of the last three years, amounts to .. .. . £42,735 18 0½

Custom duties on goods exported coastwise from the western province of the Cape, and actually consumed in the eastern province, has been calculated at .. .. . 25,000 0 0

Yearly revenue of eastern province..... £67,735 18 0½

The land revenue, however, under the supervision of a resident governor, admits of considerable increase. In illustration of this statement, we will take the district of Somerset, which contains 325 quitrent farms, or in other words, farms which pay a small yearly rent to the government. Of this number there are 68 which have been inspected and occupied for the last 15 years; but for which the government has not yet issued the title deeds, and therefore is not entitled to the quitrent tax.

The whole amount of quitrent tax on these 68 farms is £200 per annum, which sum has been lost to the government for the last 15 years. This, however, is not the only loss to the Colonial Exchequer from the non-issue of title deeds to occupied farms. In this colony farms frequently change hands, and on each sale the government is entitled to a transfer tax of four per cent. To show the loss sustained under this head, we will give the history of *one* of the above-mentioned 68 farms; which in March, 1830, was measured for one Coetzee, who, having paid for inspection and measurement of the farm the sum of £30 4s. 6d., sold it to one Meyberg for £375, who sold it to Van Heerden for £402 10s., who sold it to Malan for £1,650, payable in two years. Upon these sales the colonial government has lost

Transfer tax.....	£97 10 0
16 years' quitrent .....	80 0 0
Stamp duty.....	6 0 0
Road Board tax.....	20 11 0

Total loss on one farm..... £204 1 0

The committee may also refer to the serious loss which the government has sustained in the sale of about 90 allotments of land in the town of Somerset from not fulfilling the conditions of sale, amounting to about £7,000.

In the district of Cradock there are 50 farms without title, and the annual loss thereon to the government is about £100. In the district of Albany there are about 300 farms without title, the yearly loss being about £600. In the district of Colesberg there are six farms without title, of which the annual loss is £25.

At the Kat River Settlement there are 560 small farms, or allotments of land, for which no titles have been issued. This settlement was formed in 1829, and the government promised to give title in 1835. The non-fulfilment of this pledge has lost to the government 12 years' quitrent tax, or £672.

These serious losses to the revenue of the country are not, we believe, in any degree chargeable to a want of zeal and energy in the authorities in Cape Town; but are referable solely to the seat of government being at a distance of upwards of 600 miles, and to the unavoidable increase of official duties consequent on a rapid increase and development of the resources of the frontier districts.

#### TRADE AND COMMERCE OF THE EASTERN PROVINCE.

The committee, in their enquiries as to the commercial resources of the province, have compiled the following documents:—

1st.—A statement of the principal articles of export from the eastern province for the years ending 5th Jan., 1845, 1846, and 1847, with the quantities and value as recorded by the Customs' Department. Appendix Q.

2nd.—A statement of the value of imports into the eastern province for a like period. Appendix R.

3rd.—A statement of the number and tonnage of vessels inwards and outwards for the same period. Appendix S.

4th.—An estimate of the value of the coasting trade to Port Elizabeth for the year ending 5th July, 1847. Appendix T.

5th.—A return of the Custom duties received at Port Elizabeth for a period of 17 years. Appendix V.

6th.—A statement of the deposits, circulation, money, and securities held by the Eastern Province Bank for a period of eight years. Appendix U.

In preparing these returns, the object of the committee has been to show the nature of the trade of the eastern province, and its progressive increase; and although the returns of exports and imports embrace comparatively but a short period, yet since their earliest record the increase has been continually progressive. This increase is based, not upon merely incidental or fortuitous circumstances, but upon the actual development of the resources of the province. This is strikingly illustrated in the export of wool, which, from being one of the most insignificant of its exports, has now become the staple commodity of the province. Until the year 1830, during which year the export of wool was only valued at £220 (two hundred and twenty pounds sterling), the attention of the colonists had been but partially directed to the breeding of woolled sheep; but the capabilities of the colony, and its adaptability for this branch of industry, having been fully tested, general attention was directed to sheep-farming, and the result has been that in the year ending 5th January, 1847 (during which year many thousands of sheep were driven off by the hostile Kafir tribes), the exports of wool from the eastern province amounted to no less a quantity than 2,302,937 pounds weight; the value of which, *in the English market*, at an average price of fifteen pence per pound, would amount to the sum of £143,933 sterling.

Another result which has attended the introduction of the Merino sheep into the province is, that the value of many millions of acres of land has been fixed, which, until then, were considered as totally unproductive.

Large tracts of country, which formerly were sold at prices averaging from one shilling to eighteen pence per acre, are now eagerly bought by flockmasters at prices ranging from five shillings to eight shillings per acre. As the pressure for room within the colony becomes more powerful, population will naturally extend itself beyond its limits, and eventually the vast tracts of country to the north and north-east of the province will be occupied as pasture lands.

Important as the wool trade now is to all classes of the inhabitants of the province, yet, with the experience of the past, and knowing, as the committee do, how small a portion of the available pasture lands within the colonial boundary are stocked with woolled sheep, they consider that the export of wool from the

eastern province will steadily increase for many years to come, and that it is impossible to form a conjecture as to what will be its ultimate extent and value. Of the other articles of export, with the exception of gum, part of the hides, horns, and skins, ivory, and ostrich feathers, the whole are produced within the limits of the province, the capabilities of which for an extended production of its resources, under favourable circumstances, are as yet but very partially developed.

The return of imports into the eastern province is confined to the direct importations through the custom-house; but the trade of the province is far greater in value and extent than this return would indicate. An extensive and highly valuable coasting trade is carried on from Cape Town with Port Elizabeth, the Kowie (Port Frances), Port Jessie, Waterloo Bay, and the Buffalo, the two latter of which are beyond the colonial boundary.

The extent of the trade with these places can only be arrived at by approximation; as, with the exception of the shipments to Port Elizabeth, no official return is kept at the custom-house; but on such data as the committee have been able to obtain, they estimate that the value of the goods shipped coastwise from Cape Town to the several places abovementioned, cannot be much less in value than the direct importations into the province. It will be seen, on reference to the return, that a close and accurate computation of the value of the coasting trade to Port Elizabeth alone, during the year ending 5th July, 1847, fixes the value of goods shipped at a sum of £381,000 (three hundred and eighty-one thousand pounds sterling).

With reference to the value of the trade to the other ports in the eastern province, the committee regret that they are unable to furnish a similar estimate. At Port Jessie and the Kowie, but more especially at the latter, a very large supply of merchandize has been landed, two vessels having been kept constantly employed between that port and Cape Town. The committee have sufficient data for estimating that the amount of customs duties received on shipments made coastwise to Waterloo Bay, during a period of twelve months, cannot be less in amount than £5000.

The only port of entry within the province is Port Elizabeth, on the shores of Algoa Bay,—a place which, within a quarter of a century ago, was visited by an occasional coaster; but in the past year (1846) by 224 vessels. Known, as this port is, by the maritime interest as the only port for vessels of large burden in South-Eastern Africa, and visited, as it has been, during the last eleven years by upwards of eleven hundred vessels, of the value of not less than a million and a half of pounds sterling, independent of their cargo, yet to the present period the colonial government have confined its operations, in rendering the harbour more secure, and the facilities for landing and shipping greater, merely to the survey of the bay. At the present time, twenty-five years after the establishment of that place as the chief port, the whole of the exports and the greater part of the imports of the eastern province are shipped and landed by means of surf boats, and, in consequence, for a considerable part of the year, during rough weather, all shipping business is suspended—thus greatly increasing the risk of the vessels in the bay through prolonged detention, and entailing serious inconvenience and expense upon the mercantile interest generally.

The Kowie River, through the enterprise of a single individual, unaided by government, has been rendered available for vessels of a small tonnage; but as its continued existence as a port will depend upon the stability of the works, which are now only of a temporary nature, the committee think that, considering the great importance of its position in the centre of the district of Albany, and the interests which will be beneficially affected by its becoming a port available for vessels of a certain tonnage, that it is one of those great public undertakings which call for the aid and assistance of government.

Port Jessie, Waterloo Bay, and the River Buffalo, have only been resorted to since the commencement of the present Kafir war; and it is probable that when those circumstances have ceased to operate which forced these places into existence, the trade will lose much of its present importance.

As regards the internal means of communication within the province, the trade of the country would greatly increase, were the present lines of road kept in good repair, and facilities of communication afforded to various localities now shut out by formidable mountain barriers.

Of the roads of the province, first in importance is that between the capital of the province and Port Elizabeth, a line of road of about 100 miles in length, and intersected by five rivers, over none of which have bridges been thrown, and in consequence, the delay, loss, and inconvenience to which the mercantile and agricultural interests are subject, whenever heavy rains have rendered them impassable, are of a serious nature. The usual time occupied in a journey from Port Elizabeth with a loaded wagon is about six or seven days; but frequently a vast amount of property is detained for weeks, awaiting until the rivers have subsided. Over this road a far larger amount of property is conveyed than over any line of road within the entire colony, but probably no road within the colony of any pretensions is in a worse state.

The means at the disposal of the province for payment of this large amount of exports, consists of its produce; the commissariat and military expenditure; the expenditure of the various missionary societies and of private individuals, and ship bills drawn on England,—the rate of exchange being, until the year 1846, against the colony.

Closely connected with the trade of the eastern districts are the statistics afforded by the operations of the Eastern Province Bank, which, until the year 1845, was the only bank in operation in the province; and as such the returns published half-yearly afford valuable information as to the extent of the trade and the monetary requirements of the province. It will be seen that in 1845 the circulation of the bank was only £18,185, and the discounted securities £45,099; Appendix U. whilst in 1847 the circulation was £77,394, and the discounted securities £141,149; and that in the interval between these two periods, the increase of deposits, circulation, money, and securities was gradually progressive. This bank has been conducted with much prudence, and the great increase in its business is solely accounted for by the expansion of the trade of the province.

In 1845 a bank at Port Elizabeth was established on the same principles as the Eastern Province Bank, with a capital of £40,000. A third bank of issue, deposit, and discount, came into operation in Graham's Town, in the early part of this year; with a capital of £75,000, making the entire amount of capital subscribed for by the shareholders in the three banks now in operation in the province £155,000.

The business of these banks is restricted to the discounting of mercantile bills, advances on landed and government securities. The Eastern Province Bank has proved a valuable investment to the proprietors,—shares on which originally was paid the sum of £16 13s. 4d., being now readily saleable at £35. The only published return of the Port Elizabeth Bank indicates that that establishment is in a state of prosperity; but the experience of the third bank is too limited to justify us in giving an opinion as to the results to be derived from its establishment.

In addition to the three public associations already named, there are other joint stock companies in active operation in the province; an insurance company, two trust associations for the administration of estates, boating Companies, and other similar associations, all more or less connected with the business of the country, and all in a state of prosperity.

The trade of the province distributes itself over a vast extent of country. It embraces three distinct classes of consumers—the colonists and coloured inhabitants within the boundaries of the province, the military stationed at the several posts on the frontier and in Kafirland, and the scattered European population and native tribes residing beyond the colonial frontier.

The trade with the native tribes, from its value and extent, but more especially from the wide field it opens out for commercial enterprise, is of great

importance; and more especially so is that part of it which, until the commencement of the present war, was carried on with the Kafir tribes immediately contiguous to the colony on its eastern frontier. The trade with these people was gradually increasing in importance; traders had not only fixed themselves in the Kafir territory adjacent to the colony, but a line of trading stations from the frontier to the River Umzimvooboo, a distance of about 300 miles from the boundary, had been taken up. The influence which this trade was exerting on the character of the tribes was considerable. Articles of European manufacture were gradually displacing the native clothing of skins; and a desire being once created for the superior productions of civilized life amongst a population of not less than 300,000 souls, the results must eventually prove highly important, both in a moral, political, and commercial view. The trade with the Kafirs is one of barter, the goods of the trader being exchanged for hides, horns, gum, skins, Indian and Kafir corn; but as this country possesses a rich soil, a genial climate, and is well watered, its productions will necessarily increase as civilization makes progress.

To the north and north-east of the province numerous tribes of natives are scattered, with whom, but more especially with the Griqua and Bechuana tribes, a valuable trade has long been kept up. Extending beyond these tribes, on the verge and within the limits of the tropics, adventurous traders have penetrated, bringing down to the colony ivory, ostrich feathers, skins of wild animals, and various articles of curiosity.

In concluding these remarks on the returns now submitted, the committee think they show very satisfactorily that the trade of the eastern province is of great value and importance, and that since the foundation of the Albany settlement, it has been gradually increasing and extending; and they think that this progressive increase affords conclusive evidence, that the present position of the trade of the eastern province has been obtained, not by the force or aid of adventitious circumstances, but by increasing enterprise and a steady perseverance on the part of the colonists in developing its resources.

As bearing most importantly upon the commercial transactions of the colony, nothing is of more consequence than a well-regulated post-office department, and in respect of which the inhabitants of this province have just ground of complaint. The head of this branch of the public service resides in Cape Town, and, with very rare exceptions, all mails from England are addressed to that place, whence they are forwarded overland, a distance of 600 miles, to Graham's Town. With a postmaster-general for this province, great delay and much inconvenience would be frequently avoided. Mails in London would be made up for the eastern colony, and sent direct to Algoa Bay; while the post-office department here would be upon a more efficient and liberal footing than it actually is.

The committee conceive that, with the responsibility there is resting upon the postmaster at this place, and with the amount of duty performed by him, a salary of £100 per annum is very inadequate to the value of such service and responsibility, and more especially when it is contrasted with the cost of the head department in the western province. For some years past the duties of this branch of the public service in this town and other parts of the province have been rapidly growing more onerous, and when this fact is duly considered, in connection with the extension of the commerce of the province in the territories beyond its boundary to the E. and N.E., it will be obvious that the time has arrived when the post office establishment, as it exists at present, should undergo careful revision, so as that it may be adapted to the wants and altered circumstances of this community.

#### ESTIMATED EXPENSE OF SEPARATE GOVERNMENT.

In giving this review of the character and probable capabilities of the eastern province, and in showing the actual extent of its commerce and monetary resources, the great object of the committee is to afford indubitable evidence that



the claims made for separate and distinct institutions are founded on substantial grounds ; and moreover that it possesses the means, as well as the disposition, to provide a sufficient civil list for all the purposes of efficient government in the proposed new colony.

The committee are of opinion, after full and mature consideration, and assuming, as is but equitable, that the Customs' duties on all goods exported coastwise from the western province for consumption in the eastern province, shall be available for the government thereof, that the revenue of the eastern colony will support the following civil establishments, leaving a surplus revenue of upwards of £17,000 :—

PRESENT EXPENDITURE OF EASTERN COLONY.			ADDITIONAL.		
Lieutenant-Governor.....	£1,500	0 0	Governor .....	£500	0 0
Do. Establishment .....	1,265	0 0	Secretary.....	430	0 0
Judicial and Law Establishment .....	7,180	1 8	Chief Justice.....	1,200	0 0
Customs' Department, Port Elizabeth .....	980	0 0	Two Puisne Judges.....	1,800	0 0
Post Office Department ..	5,078	10 2½	Attorney-General.....	800	0 0
Post Office, Port Elizabeth	413	10 0	Treasurer and Accountant-General .....	700	0 0
Civil Commissioners' offices	6,834	7 6	Surveyor-General .....	600	0 0
Ecclesiastical and School Establishment .....	5,704	10 0	Registry and Transfer office	600	0 0
Police, Prisoners, and Jails	7,389	10 0	Council Chamber.....	450	0 0
Pensions and retired allowances.....	2,850	7 10	Master and Guardian.....	400	0 0
Medical department .....	495	0 0	Auditor-General .....	500	0 9
Miscellaneous services....	1,675	0 0	High Sheriff.....	500	0 0
			Medical Department .....	400	0 0
			Ecclesiastical and School Establishments .....	300	0 0
	£41,365	16 2½		£9,180	0 0
	9,180	0 0			
Total Expenditure .....	£50,545	16 2½			

#### REVENUE OF THE EASTERN PROVINCE.

From Official Returns of Civil Commissioners.....	£42,735	18 0½
Customs' Duties on Goods exported coastwise from the western colony for consumption in the eastern.....	25,000	0 0
	£67,705	18 0½
Total Expenditure of the eastern colony.....	50,545	16 2½
Surplus Revenue.....	£17,160	1 10

Appendix B 2.

In closing this report the committee have only to add, that from the time occupied in the collection of authentic documents on which to base their opinions, an opportunity has been afforded them of learning the sentiments of the inhabitants at large throughout the province, and it is very consolatory to know, that from all the reports which have been drawn up on this subject, the people are *unanimous* as to the necessity of having in this province an independent government. There are differences in matters of detail ; there are those who are more favourable to a removal of the present seat of government than to the establishment of a new one ; but still, notwithstanding such diversity, the great principle in question is maintained by all—namely, the vital importance and imperative necessity of having an independent government in the eastern province.

The committee have only to add, that in making the suggestions contained in this report, they have had in full and constant view the admirable bill promulgated by Her Majesty's government in August, 1846, for the government of *New Zealand*, and which provides not only for separate Legislative Councils, and elective Houses of Representatives in each province of that colony, but also for a General Assembly armed with high powers to control and equalize the working of both.

Applicable as they consider the provisions of that bill or *charter* to be to the circumstances of this country, the committee, nevertheless, are not prepared to recommend as yet the adoption of them in their full extent in this province. But still, taking this important enactment as a model by which to frame their own structure, they submit that all their suggestions, as far as they go, are in perfect correspondence therewith, and will admit of being so amplified hereafter as to accord in every essential particular with that measure,—a measure which cannot be otherwise than regarded as a recognition of great principles that are confessedly of the highest value and importance to every British colonist.

We have, &c.,

(Signed by order of the Committee,)

CHAS. MAYNARD, Chairman at Public Meeting,  
W. R. THOMPSON, Chairman of Committee,  
JOHN ATHERSTONE, Sec. to Committee of Inquiry.

### SUPPLEMENT.

Graham's Town, 1st November, 1847.

To His Honour Sir H. E. F. YOUNG, Knight,  
Lieutenant-Governor, &c., &c.

SIR,—On closing their report of the 10th ult., the committee were obliged, for want of sufficient *data*, either to omit altogether the subject of emigration in its bearings upon the question then before them, or to treat it in so cursory a manner, as would rather have impaired that importance to which it is so justly entitled, than have added any weight to a topic of such great interest and moment to the province at large. They adopted the former alternative—preferring to await the receipt of the documents necessary to the full elucidation of the subject, than to venture to give an opinion not so derived and supported.

The importance of European emigration to this province has long been felt by the inhabitants on the spot, and by others having an interest in the future well-being of South Africa, to have a direct bearing alike upon the present condition and future prospects of the entire settlement. Accordingly, in 1841, an energetic movement on this subject was made by the whole colony. Memorials to Her Majesty's Secretary of State for the Colonies were prepared by both provinces, praying that £12,000 per annum from the public treasury might be appropriated to this object. These were supported by the Cape Trade Society in London, followed by a memorial from 60 merchants in London engaged in the Cape trade, who memorialized Lord Stanley to the same effect, showing that the requisite funds might be legitimately raised—if not by the sale of lands, as in other colonies—from the rents of lands already appropriated.

This strenuous effort to introduce additional labour and capital into the colony was not altogether fruitless, having resulted, after the lapse of a considerable period, in a vote of the Legislative Council, appropriating the sum of £10,000 annually of the colony's revenue to the purpose in question. Under this arrangement, it appears that five hundred and thirty-five individuals have been landed at Table Bay, and only *sixty-six* in Algoa Bay, the chief port of this province—a fact which affords strong presumptive proof of the disadvantages, in this respect, under which the inhabitants labour by their remoteness from the chief executive authorities, who assume the direction of this, as of all other matters connected with the general affairs of the whole colony.

The committee have also to remark upon the entire non-participation by this province in the advantages derived by the western districts from the introduction there of Negroes found in vessels engaged in the slave-trade, and captured by H. M. cruisers. By a return from the officer appointed to the special

duty of appropriating these Negroes, it appears that between the years 1842 and 1846, inclusive, no fewer than 2,353 individuals of this class were landed at Cape Town, none whatever having been sent to this province. The committee dwell upon this fact with the more emphasis, inasmuch as the only plea put forward for this injurious omission by the superintending officer is the great distance of the latter from Cape Town, his place of residence, and the utter impracticability of his exercising that superintendence enjoined upon him, should he permit them to be removed so far from his own domicile.

Admitting, for the sake of argument, the cogency of this objection, and also, as the committee most cheerfully do, the zeal, the ability, and the conscientiousness with which the officer in question has ever discharged the duties entrusted to him, still it is evident that in this particular the great distance of the seat of government has been a cause of serious disadvantage to this province. The committee are aware that the benefit in question arises from a source purely of a contingent character, and not from anything connected either with the internal resources of the colony, or its public administration; but while they anticipate such objection, they submit nevertheless that a benefit of this character, the cost of which to the parent state has been estimated at £100 per head, ought not, however incidental, to be partially applied, and that the inhabitants here may very reasonably complain of not participating in an advantage which is secured at a large expenditure of the public money.

The committee deem it their duty to dwell upon the importance of immigration into this province from the existing state of affairs across its eastern boundary. In that direction there is a wide and most fertile tract of country which must, to preserve the advantages the British forces have gained over the Kafir tribes, be occupied by British subjects. A sufficient population cannot be spared from the colony, without seriously weakening its industrial strength. To place there uncivilized natives would, in the opinion of the committee, be unsafe; and hence the only alternative is to divert into that section of country such a stream of emigration from the parent country as shall, while it attains the primary object in view, at the same time secure to the emigrants themselves a position that will enable them, not merely to obtain subsistence to their families, but to be actual contributors to the common weal. In reference hereto, the committee concur with an expression contained in the "Minute" of His Excellency the Right Honourable the Governor, recently laid before the Legislative Council, to the effect that "emigration to this country cannot be overdone." This opinion, if coupled with prudent regulations, they believe may be supported by existing facts, and it commends itself, moreover, by the consideration that emigration is necessary, both to the future progression of the province, and also to its security. These advantages, however, the committee would remark, are reciprocal,—no colony offering to the steady, industrious man, with moderate expectations, a finer field of emigration than this country. Within the colony there is demand for labour in all the various branches of industry; while beyond it—if future tranquillity is to be maintained in that direction—there must be introduced there such an amount of European population as shall preserve British ascendancy in a territory, which has for many years past been the scourge of this province—entailing upon the colonists severe losses, and upon the British treasury an immense expenditure of public money.

Signed by order of the Committee,

CHAS. MAYNARD, Chairman at Public Meeting.

W. R. THOMPSON, Chairman of the Committee.

JOHN ATHERSTONE, Sec. to Committee of Inquiry.

## APPENDIX.

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SCHEDULE OF DOCUMENTS FORMING APPENDIX TO THE REPORT OF THE COMMITTEE  
OF INQUIRY APPOINTED AT PUBLIC MEETINGS HELD AT GRAHAM'S TOWN,  
SIDBURY, BATHURST, SALEM, AND SOMERSET, IN 1847, ON THE  
SUBJECT OF THE SEPARATION OF THE EASTERN FROM  
THE WESTERN PROVINCE.

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### (A)

Extracts from the "Government Memorandum," on the subject of Public Education in the Colony, promulgated in the "*Government Gazette*" of May 24, 1839.

"In order to maintain the efficiency of the system, and to secure its improvement as circumstances require, a general superintendent of public education has been appointed under the sanction of Her Majesty's government, whose duty it will be to visit every school, AT LEAST *once a year*, to examine the ordinary routine of daily instruction, the arrangement of subjects, classification of pupils, &c., and to institute a strict inquiry into the state and progress of the schools generally. \* \* \* \* \*

"It will also be the duty of the general superintendent to hold *constant* communication with the instructors of the several schools on the method of instruction, the progress of education in various parts of the world, the local difficulties with which the teacher may have to contend, and generally on every topic that can contribute to advance the cause of education within the colony. He will likewise be called upon to supply the government with all necessary information on the educational statistics of the colony, and to draw up periodical reports from the monthly and quarterly visitations of the state of each school, and the efficiency of the system.

(Signed) "JOHN BELL, Secretary to Government."

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### (B)

Lord Durham,\* in his celebrated report on the Canadas, says that one of the serious grievances which led to rebellion in those colonies was,—

"The surveys have been inaccurate, and the boundaries, or even the situation of estates, are proportionably uncertain. Everywhere needless delays have harassed and exasperated applicants, and everywhere, more or less, I am sorry but compelled to add, gross favouritism has prevailed in the disposal of public lands. I have mentioned but a part of the evils, grievances, and abuses of which your Majesty's subjects in the colonies justly complain, as having arisen from mal-administration in this department; those evils remain wholly unremedied, most of those grievances are unredressed, and not a few of those abuses are unreformed, at this very hour."

Sir G. NAPIER's statement of the causes which led to the migration of the Dutch Boers, made to the Legislative Council, 10th November, 1838 :—

"A third and very general cause of discontent is the difficulty experienced by the farmers in procuring proper diagrams of, and titles to, their quitrent lands," &c.

(c)

Copy from Parliamentary Paper; part 3, 10th March, 1846, p. 58,—Sir B. D'URBAN to Secretary of State:—

No. 4.

Graham's Town, 26th June, 1835.

My Lord,—In having the honour to transmit herewith a duplicate of my despatch of the 19th instant (sent by Lieut. Beresford), I request permission to offer to your Lordship's attention a few observations upon a subject which, as I think, is of great importance to the future good government of this colony.

The seat of the colonial government, Cape Town, is without doubt ill-placed with relation to the present extent and local circumstances of the colony. At the very extremity of the peninsula which forms it, Cape Town is too far from its central, northern, and above all its eastern provinces, even without the late addition of that of Queen Adelaide. This was not the case in the original extent of the colonial territory; but it certainly is so now, and it sometimes occasions great inconvenience and embarrassment to the public service. It is 300 miles from the district town of the province of George; 600 from that of Uitenhage; 700 from those of Graaff-Reinet, and of Albany and Somerset; great part of these communications too by very bad roads. If the lately acquired province be retained, the distance to King William's Town will be about 80 miles farther—780.

At such distances respectively there are many references to the Governor, of which the decisions are unavoidably retarded, to the inconvenience of the parties; many things requiring his more frequent personal superintendence than it is now possible for him to afford it, without neglecting other duties: and the provinces where that superintendence is most frequently requisite are at once the most distant and the most valuable of the colony.

The practical result of all this has brought me to the conclusion, that one of two remedies is absolutely necessary, and *that* even without considering the new province of Adelaide. One (and in my opinion the best) is the removal of the seat of government; the other, the appointment of a Lieutenant-Governor for the distant provinces.

In the last of these, besides a great increase of expense by an additional establishment, which will be considerable, I foresee great collision and want of efficient co-operation, and much resulting inconvenience to the public service. This, therefore, I cannot recommend; but I am of opinion that the first may be applied, with no comparative difficulty in execution, to its prospective advantages.

For this end I would propose to remove the seat of government to Uitenhage. Its position is central, and exceedingly well adapted, as it appears to me, to all the purposes of a seat of government, with relation to the different provinces and other circumstances of the colony. Its communication with England would be direct by Port Elizabeth, eighteen miles off, where Algoa Bay affords a harbour which only requires a lighthouse and a landing pier (works of inconsiderable expense compared with the object of them) to render it excellent and perfectly fit for its purpose. Upon this point I may here say, that the naval officers who have been recently there co-operating with me entertained a very favourable opinion of it, which was certainly borne out by the fact, that during six months, notwithstanding the number of vessels continually lying there for the supply of the troops and inhabitants in the eastern districts, and in all the various winds which have from time to time prevailed during that period, not one has been lost, nor has any cargo, that I am aware of (in the absence of a pier) failed of being safely landed. Cape Town might still remain a commercial port, and its communications with Port Elizabeth by steam navigation (which would naturally result from the proposed change) would be rapid and continual; and Simon's Bay, as now, be the naval depôt and station.

I have ventured to offer my view upon this subject to your Lordship, because I think it my duty in the circumstances; it is at least the result of practical experience, and of mature consideration.

If, however, your Lordship should not concur with me in it, then a Lieut.-Governor, with a certain establishment, should be placed at Uitenhage, to execute



for that province and those to the northward and eastward of it, all the ordinary functions of the executive, under the general superintendence and authority of the Governor, to whom should be reserved the higher powers which His Majesty delegates, of pardon, the fiat of condign punishments, the enactment of colonial ordinances, &c.

And in this case I do not think the Lieut.-Governor's salary could be fairly less than £1,000 a year, with a house, secretary, &c., and the necessary establishments of his office; and should this be so determined, it appears to me that (considering, too, the unquiet state in which these border districts must inevitably continue for a considerable time to come,) there is no person so well calculated to serve His Majesty efficiently in the capacity of Lieut.-Governor as Colonel Smith, now holding the military command in the province of Queen Adelaide, who is besides, as your Lordship is aware, *ex officio*, as senior officer of the troops, actually the successor of the Governor, in case of the death or absence of the latter. This arrangement, however, of a Lieut.-Governor, as I have already said, I do not recommend; nor do I think it judicious, or one that will well succeed in practice. If the other (the removal, namely, of the seat of government, which I do recommend, because I think it will answer its purpose,) be adopted, and if also the new province of Adelaide be, as I earnestly hope it will, retained, then I request your Lordship, because I know it will be for the true interests of His Majesty's service, that Colonel Smith may be appointed Civil Commissioner of that province, with the ordinary emoluments of that appointment (£500 a-year and a secretary), continuing also in the military command of the district, as at present.

I have the honour, &c.,

(Signed) B. D'URBAN.

(D)

Extract from Parliamentary Papers; part 3; 10th March, 1836; page 86,—  
SIR BENJAMIN D'URBAN to the Secretary of State.

No. 9.

Uitenhage, 7th November, 1835.

"It is the same with that defined in the sketch, enclosure No. 22, of that despatch, as annexed to my proclamation of the 10th May, with the trifling addition, at the north-eastern side, of the country from the Stormberg Spruits to the Kraai River (B, C, D, E, of the sketch), which I have made by the recent proclamation, of which a copy is herewith transmitted, and to which I humbly solicit His Majesty's gracious confirmation, since it is important to make our boundary on that side perfect. It belongs to no one, and is uninhabited by any natives; but it is frequently occupied as grazing ground beyond the frontier in dry seasons by the farmers on the north-eastern side of Somerset, who have, therefore, very earnestly prayed that it may be added to the colony, and that they may be allowed locations therein, which will be a very beneficial arrangement for the colony."

(E)

Memorial of Farmers settled in the east of the Kraai River, published in *Graham's Town Journal* of 25th April, 1837.

(Copy.)

To His Honour A. STOCKENSTROM, Lieutenant-Governor of the Eastern Division of the Colony of the Cape of Good Hope.

The memorial of certain inhabitants living in the tract of country between Kraai River and Buffalo Kloof most humbly sheweth—

That your memorailists have dwelt on a piece of waste ground, extending inwards from Kraai River to the Buffalo Kloof, ever since they were informed by Lieut.-Colonel Somerset that the boundaries of the colony were extended to the Kraai River, and on which they have erected substantial dwelling houses; and

they have also been at considerable expense in forming dams, sluices, and making other improvements.

Your memorialists beg leave humbly to represent to Your Honour, that they little thought the boundaries of the colony would be again altered, or that they would thus in a moment be deprived of the fruits of their labour, and now with grown-up families, and many of themselves advanced in life, be obliged to quit what they considered their natural homes in search of another settlement.

Your memorialists humbly beg leave to represent that this portion of the country has, by the late alteration of the boundaries, again been thrown out of the jurisdiction of the colony. It being the coldest part of the colony, no Kafirs will ever be able to live in it, and if your memorialists be obliged to relinquish it, it will become again what they found it—a solitude.

Your memorialists, therefore, trust Your Honour will consider their case with a sense of justice, as well as with an eye of pity, and under the influence of those paternal feelings so constantly displayed by Your Honour towards the inhabitants, will prevent the only alternative they now have—that of leaving the colony for ever.

Your memorialists are in number about fifty families, unwilling to leave their fatherland and natural homes: but under the new arrangements what else can they do?

Your memorialists were making preparations for migrating with the other farmers, when they were persuaded by Christian van Niewkerk that it was better for them to remain under a fixed government, and to lay their case before Your Honour, which the memorialists now do to the best of their ability, and humbly hope Your Honour will restore to them again the possession of this tract of land, which they have been at so much pains and labour to improve, and on which they have dwelt so long. All they desire is, to live there quietly, cultivate the ground, and pay their taxes. And they appeal to Your Honour's feelings, how melancholy it will be if they shall be obliged to leave the colony and wander about with their young and growing families in search of a new settlement.

But your memorialists most humbly trust Your Honour will prevent such an occurrence, and your memorialists, as in duty bound, will ever pray.

Kraai River, 1st March, 1837.

REPLY to the memorial of Christian van Niewkerk, Theodorus Bernardus Klynhans, and certain persons living at the Kraai River, praying that certain land, extending from Kraai River to Buffalo Kloof, may be possessed by them.

There is no power in this colony which can comply with the prayer of the memorial, and if the memorialists really believe in the paternal feeling for which they here give the Governor credit, they will take his advice, and gradually retire into the colony,—for if they emigrate into the interior, they will have ample cause to repent of it when it shall be too late.

Graham's Town, March 21, 1830.

By command of His Honour the Lieutenant-Governor,

(Signed)

H. HUDSON, Acting Secretary.

(F)

Statement of persons residing immediately on the border of the Colony.

(From the *Graham's Town Journal* of 17th July, 1845.)

Heads of Families.	Chil- dren	Sheep	Horses	Cattle	Heads of Families.	Chil- dren	Sheep	Horses	Cattle
Jan Cornelius, jun....	6	300	3	30	Stoffel Viljoen.....	10	3,000	100	400
Thomas Clary .....	1	500	4	40	Lewis Kotzee.....	6	1,200	25	300
Widow de Wet .....	5	1,500	50	200	Gideon Joubert.....	2	1,800	70	300
Jan de Wet .....	-	400	10	50	Ms. Rhoberts.....	4	1,500	10	300
Piet de Wet.....	2	1,000	12	90	Jan Myberg .....	6	1,400	20	150

Heads of Families.	Chil- dren	Sheep	Horses	Cattle
Piet Peister.....	3	3,000	50	400
Christian de Wee....	5	1,200	20	100
W. van Zyl.....	5	1,200	10	50
David Vourie.....	4	1,500	50	300
Holman.....	1	3,000	50	400
G. Plessis.....	1	300	10	50
G. Nel.....	5	2,000	50	250
Adam Swanepoel....	9	2,000	20	150
Albert Venter.....	4	2,000	20	200
Philip Myberg.....	3	2,000	20	150
Barend de Klerk....	-	3,000	50	400
Isaac van der Mervel..	-	400	3	35
Henning Lubba.....	4	1,000	7	50
Piet Hennings.....	4	3,500	60	300
Jan Myberg.....	4	2,500	50	300
Philip Meyburg.....	-	600	6	50
Donald McDonald....	9	1,600	20	50
Jan Strydom.....	5	1,600	30	200
Johannes Olivier....	5	1,300	40	250
Nicolas Fourie.....	4	4,000	60	450
Jan Olivier.....	12	4,000	100	350
Gert Hennings.....	4	3,000	60	300
Philip Olivier.....	4	2,000	40	200
Jan Panzegrouw....	5	2,000	40	150
Jacob Venter.....	4	1,600	20	100
Stephanus Smith....	7	4,000	60	450
Louw Venter.....	4	1,200	12	50
Isaac Kruger.....	4	2,000	30	150
Lauw Venter.....	3	1,800	12	100
Piet van der Walt....	4	1,200	15	100
Nicolas van der Walt..	4	2,200	15	100
Douw Steinkamp....	3	2,200	20	200
Gert Kruger.....	6	1,800	30	300
Jan Venter.....	7	1,500	25	200
Jasper Coetze.....	4	1,500	25	150
Piet Venter.....	4	1,600	10	100
Gert Venter.....	6	1,000	15	80
Matthys Greyvensteyn	5	1,200	15	100
Jacob Venter.....	3	1,200	15	100
Gert Alberts.....	1	400	2	20
Johannes Alberts....	3	2,000	12	100
Nicolas Alberts.....	-	300	4	20
Jacob Coetze.....	4	1,000	10	100
Louw Pretorius.....	5	800	8	100
Jan Stavelberg.....	6	1,500	30	200
Jan Greyvensteyn....	4	1,000	4	50
Floris Koetze.....	6	1,000	10	300
Hendrik Greyvensteyn	4	1,000	10	150
Widow Smit.....	4	1,000	8	150
Wigard Brehmer.....	6	1,000	12	100
Frans Roberts.....	6	800	3	30
Nicolas van der Walt.	3	1,200	20	120
Johannes Hennings..	4	1,500	10	100
George Holder.....	3	2,000	20	150
Humphrey Thomas....	2	4,400	-	10
William Cargen.....	-	2,000	20	100
— Coleman.....	3	400	3	20
Cornelis van der Walt	5	800	8	150
Piet Venter.....	6	1,000	10	150
Marthinus Horn.....	4	800	6	50
Gert Olivier.....	4	1,500	25	100
Wessel Gous.....	5	2,500	20	300
Hendrik Kruger.....	6	2,000	30	300
Jan Gous.....	5	400	6	30
Barend Greyling....	6	1,200	10	100
Piet Wagener.....	3	1,400	20	120
Hans Wagener.....	3	600	5	50
Martin Koetze.....	3	1,300	10	150

Heads of Families.	Chil- dren	Sheep	Horses	Cattle
Frederick Weppener..	4	3,000	20	153
Wynand Roelofze....	2	800	20	60
Stoffel Zwanepoel....	4	1,200	20	200
Hendrik Steinberg...	4	600	12	80
Frans Roodt.....	5	2,000	20	200
Charles Pretorius....	5	600	10	60
Barend Kreger.....	5	1,600	20	150
Barend de Klerk....	4	1,500	20	150
Jacob de Klerk.....	1	200	2	20
Abraham Viljoen....	6	600	5	50
Dores Klynghans....	5	1,000	5	50
Hans Steinkamp.....	4	2,500	30	250
Theunis Pelster.....	8	2,500	20	300
Jasper Coetze.....	4	2,500	30	100
Willem Kreger.....	4	1,200	10	200
Jan Forie.....	6	3,000	30	300
Coenraad Havelgaar..	8	2,000	20	100
Jan Kotze.....	12	1,200	12	150
Jan Zaur.....	1	800	10	100
Douw Steyn.....	3	1,500	20	100
Hans Forie.....	7	1,200	20	70
Thomas Butler.....	7	1,500	20	70
Lodewyk Klynghans...	6	600	4	40
Albert Venter.....	6	700	12	50
Jan Hennings.....	4	2,000	30	150
Hendk. Zwanepoel, sen.	-	1,200	12	100
Hendk. Zwanepoel, jun.	2	1,200	10	100
Frederick Zwanepoel..	6	2,500	30	150
Zacharias Steinberg...	1	400	4	50
Pieter Erasmus Smith	1	1,800	40	300
Hendk. Johannes Louw	2	600	2	60
Adriaan Strydom....	5	1,500	8	150
Piet Smith.....	4	1,200	6	100
Hans Steyn.....	2	900	6	70
Arnoldus Greyling...	4	1,200	20	150
Andries Greyling....	3	1,800	30	150
Daniel Hatting.....	5	1,200	20	120
Hendrik Hatting.....	3	350	6	30
Jeremia Coetzer.....	12	2,000	50	300
Nicolas van Zyl.....	6	800	5	130
Andries Cronje.....	3	300	2	20
Isaac Cronje.....	2	400	2	30
Petrus Pienaar.....	-	300	4	69
Mieder Palm, jun....	4	1,400	20	150
Mieder Palm, sen....	1	1,200	12	350
Andries Venter.....	2	200	4	30
Gabriel Meybugh....	4	1,000	10	100
Gabriel Kotze.....	4	1,200	15	200
Gert Kotze.....	2	800	10	60
Dirk Koetze.....	5	700	6	30
Jan Meyer.....	-	500	10	80
Jacobus Voster.....	3	900	6	80
Philip Algreyn....	3	200	4	30
Jacob Kagelhoven...	2	500	2	50
Jacobus van Zyl.....	4	1,500	15	150
Gert Grobler.....	2	300	6	30
Hendrik Coetze.....	3	1,000	10	100
Andries Aukam.....	3	1,200	10	120
Carel Werner.....	2	600	14	60
Frederick Rheeders and sons, three families..	4	1,500	45	150
William Deale and son	1	900	13	150
Edwd. & Wm. Howard	4	900	7	100
Adriaan Zwanepoel...	4	1,600	20	180
Cornelis Jacobze....	3	900	15	70
Gert Strydom.....	3	700	5	40
— van Zyl.....	3	900	12	100
Gert Laberschagne...	3	1,200	10	80

Heads of Families.	Chil- dren	Sheep	Horses	Cattle	Heads of Families.	Chil- dren	Sheep	Horses	Cattle
Casper Laberschagne..	-	400	2	30	— Schoeman .. . . .	3	500	6	80
Hans and Jan Labers- chagne .....	3	900	11	90	Floris Coetze.....	4	1,000	15	120
Hendrik Bekker.....	3	2,500	30	250	Nicolas Oelofze .....	2	800	5	60
Stephanus Bekker....	4	1,200	10	100	Tobias Meynard .....	5	1,400	15	100
Marthinus Bekker ..	4	2,000	20	150	Widow Botha .....	-	1,000	25	100
Anthony Lombaard ..	-	1,000	6	80	Barend van der Walt.	5	1,500	25	200
Jacobus Beukes.....	3	600	6	50	Piet Combrink .....	4	1,400	10	100
Michael Smit, sen. ...	-	900	12	80	Nicolas Els .....	4	900	15	10
Michael Smit, jun. ...	2	1,000	10	80	Isaac Valjon.....	3	800	14	60
Willam Smit .....	2	900	10	60	Piet Kreger.....	4	1,500	20	140
Piet Bekker.....	2	900	10	50	Andries van der Walt.	6	2,500	15	150
Jan Bekker .....	3	1,200	10	100	Barend Kreger .....	2	800	10	120

(G)

To His Honour the Lieutenant-Governor, Sir H. E. Fox Young.

(Received 16th August, 1847).

The memorial of the undersigned, inhabitants of the new town of Burghersdorp, humbly sheweth :—

That in the short time of six months this town has risen to an importance far beyond the expectations of its most sanguine projectors.

That in consequence there has been a great influx of inhabitants of all classes into this town.

That the want of such a town has long been felt amongst the inhabitants, as well within as without the colony, not only for the purposes of trade, but of religion, as is truly evidenced by the fact, that the administration of the Sacrament is attended by persons from far and near to the amount of several thousands, four times annually.

That the management of this town is entrusted to six churchwardens, who are totally incapable of governing this place, from the fact that they possess no power either to punish the evil-doer, or to protect the well-meaning inhabitant.

That this town is situated on the extreme verge of the colonial boundary, at a great distance from the seat of magistracy, and, as a consequence, crime remains unpunished from the great loss of time and expense to which the inhabitants are subjected in prosecuting offenders.

That in consequence of the great distance of the nearest markets, it has become necessary that a market should be established at this place, in order to facilitate the sale of such produce as these parts of the colony can or may produce.

Further, we wish to represent to your Honour's notice, that we labour under great inconvenience from the distance of the nearest pound—the only one being at Colesberg, a distance of fourteen hours on horseback from this, by which we and the farmers generally are annoyed by stray cattle, merely from our inability to send such cattle to the said pound at Colesberg.

That from the rising importance of this town, we feel greatly the want of a regular mail communication with the other parts of the colony,—having at present no other than that afforded by casual passengers to and from the different towns, by which we are exposed to much and serious inconvenience.

We also beg leave to represent to your Honour's notice that this town is situated in the midst of a fruitful and luxuriant country abounding in flocks and herds of all descriptions, and that it was from these parts that a considerable

portion of the live stock was and is derived for the support of the troops, &c., during the present most unfortunate war; and that this town is most admirably situated to become the centre of a new and populous district (the want of which has long been felt), being bounded on the east and north by the densely populated countries of the Stormberg and Orange River, inhabited by British subjects, who are daily praying to be taken under the protection of the government, and to be admitted to enjoy all rights which British subjects are entitled to.

Therefore, for these reasons, we humbly pray that your Honour will be pleased to appoint a resident magistrate to this town, with such full powers to act as are enjoyed by the resident magistrates in other parts of the colony; and further, that we may be permitted to form a municipality in this town, for the purpose of regulating our own local affairs; and that your Honour will be pleased to direct that a regular mail communication be established between this and the other towns of the colony.

And your memorialists, as in duty bound, will ever pray.

(Signed by 52 inhabitants )

(H)

General Statistics of the Eastern Province of the Cape of Good Hope, from  
Official Returns to the Graham's Town Committee of Inquiry.

Extent in square miles,.....		37,374 miles.
Population per square mile, 1 and $\frac{1}{8}$ ths... whites, 33,146 } blacks, 37,075 }	Total,..	70,221
Number of farms in the eastern province, .....		3,498
Number of farms for which no title has been issued,.....		985
Annual loss to Colonial Treasury from non-issue of titles to 985 farms,		£984

## Number of acres of land under cultivation.

Wheat,.....	12,844	} Total,... 35,087
Indian corn,.....	1,577	
Barley, .....	3,068	
Oats, .....	11,100	
Vineyard and orchard, .....	2,498	
General cultivation of Kat River Settlement,...	4,000	

*Annual Produce, calculated on an average of three years.*

			Value of Produce.
Wool, .....	2,302,937 lbs.....	at 1s.....	£115,146 17 0
Wheat, .....	155,265	bushels, {	10s. .... 77,632 10 0 6s. 8d. .. 8,147 0 0 5s..... 15,721 0 0 3s. 2d. ... 15,857 1 8
Indian corn,.....	24,441		
Barley, .....	62,884		
Oats, .....	100,151		
Oat-hay, .....	10,250,460 lbs.....	6s. per 100 lbs.	30,751 7 7
Wine and brandy, .....	86,944 gals....	1s. 6d. per gal.	6,520 16 0
			<hr/> £269,776 12 3

*Amount of Live Stock.*

Horses,.....	38,915	valued at £7 10s. each,.....	£ 291,862	10	0
Horned cattle, ....	279,087	„ 1 10 „ .....	418,630	10	0
Goats,.....	411,084	„ 5 „ .....	102,771	0	0
Swine,.....	725	„ 15 „ .....	543	15	0
Sheep, .....	2,967,635	„ 10 „ .....	1,483,817	10	0

**3,697,456**

**£2,297,625 5 0**

Estimated value of fixed property.....	£2,136,605
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Extent of unappropriated land in four districts .....	3,459,800 acres.
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Value of unappropriated land, at 6d. per acre, .....	£86,495
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Average yearly revenue for the last three years, ..... £42,735 18 0½

Expenditure of the eastern province for 1845, that of 1846

not having been ascertained,.....	£41,410	0	0
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(1)

# Heds of Expenditure of the Eastern Districts of the Cape of Good Hope for the year 1848.

(Extracted from the Official Estimates published by Government.)

Establishment of His Honour the Lieutenant-Governor, .....	£2,765	0	0
Customs' Department, Port Elizabeth, .....	980	0	0

## Post Office Department.

Postmaster at Graham's Town .....	118	4	0
Fort Brown, £6, Bathurst, £15, Richmond, £8 .....	29	0	0
Sunday's River, £5, Sidbury, £15, Matjes Fontein, £10 .....	30	0	0
Gamtoos River, £5, Addo Heights, £4 .....	9	0	0
Conveyance of Inland Mails .....	3,211	6	2½
Extra posts, £50, ferrying mails across Sunday's River, £25 .....	75	0	0
Ferrying mails across Bushman's River, £10, Gamtoos River, £40 .....	50	0	0
Supply and repairing of mail bags, £60, office rent, Graham's Town, £12 ..	72	0	0
Gratuities to masters of vessels, £150, conveyance of district mails, £157 10s.	307	10	0
Mails between Port Elizabeth and Table Bay by sea .....	20	0	0
Conveyance of extra official letters, £25, do. of mails to Salem, £10 .....	35	0	0
New letter stamps, £7 10s., postage on official letters, £1,000 .....	1,007	10	0
Mails from Bathurst to Port Frances, £12, do. from Graham's Town to Natal, £20 .....	32	0	0
Postmaster, Fort Beaufort, £30, Postmistress, Port Elizabeth, £40 .....	70	0	0
Office rent, Port Elizabeth .....	12	0	0

## Port Office, Port Elizabeth.

Harbour-master, £150, Coxwain, £48, five boatmen, £180 .....	378	0	0
Lodging allowance for two boatmen, £18, Health Officer, £17 10s. ....	35	10	0

## Civil Commissioner's Office.

Civil Commissioners, Albany and Graaff-Reinet .....	1,000	0	0
Do. Uitenhage, Somerset, Cradock, Colesberg .....	1,600	0	0
Assistant Civil Commissioners, Port Elizabeth and Fort Beaufort .....	600	0	0
Three Clerks, Albany, Uitenhage, Graaff-Reinet, £600, extra do. Albany, £80	680	0	0
Clerks for Somerset, Cradock, Colesberg, Port Elizabeth, and Fort Beaufort	625	0	0
Twelve Field-cornets, Albany, £240, one Field-commandant, £28 .....	268	0	0
Eight Field-cornets, Graaff-Reinet, £160, do. for Colesberg, £160 .....	320	0	0
Two Field-cornets, Colesberg, £20, one Field-commandant, £38 ... ..	58	0	0
Five Field-cornets, Cradock, £100, 3 do., £30, 1 Field-commandant, £28 .	158	0	0
Twelve Field-cornets, Uitenhage, £120, six Field-cornets, Somerset, £120 ..	240	0	0
Market-master, Fort Beaufort, £22 10s., office rent, Somerset, £48 .....	70	10	0
Office rent, Cradock, £75, house rent, three Civil Commissioners, £300 ....	375	0	0
Stationery for six divisions, £150, bookbinding for do., £30 .....	180	0	0
Horse and wagon-hire for six Civil Commissioners and two Assistant Civil Commissioners .....	120	0	0
Conveyance of Gazettes to Field-cornets .....	264	17	6
Horse and wagon hire for Field-cornets .....	200	0	0
Conveyance and provisions for lepers and paupers .....	75	0	0

## Ecclesiastical and School Establishment.

Chaplain, Graham's Town, £400, Uitenhage, £125, Bathurst, £200 .....	725	0	0
Do., Port Elizabeth, £200, house rent, Chaplain, Port Elizabeth, £40 ...	240	0	0
House rent, Chaplain, Bathurst, £30, Chaplain, Graaff-Reinet, £100 .....	130	0	0
Chaplain, Sidbury, £200, Reformed Church, Graaff-Reinet, £300 .....	500	0	0
Reformed Church, Uitenhage, Albany, Somerset, Cradock, Colesberg .....	1,000	0	0
Do., Kat River and Richmond, £400, Minister, Glen Lynden, £100 .....	500	0	0
House rent, Minister, Kat River, £50, Roman Catholic Church, Graham's Town, £100 .....	150	0	0
Minister at Salem, £150, Master of School at Graham's Town, £200 .....	350	0	0
Assistant to Master, £30, Usher, £15, allowance for residence, £36 .....	81	0	0
Rent of School premises, £70, Master of School, Graaff-Reinet, £200 .....	270	0	0
Usher, £15, allowance for residence, £30, Schoolmaster, Uitenhage, £200 .	245	0	0
Assistant, £40, allowance for residence, £30, rent, £31 10s. ....	101	10	0
Master of School, Port Elizabeth, £150, Usher, £20, for residence, £40 ...	210	0	0
Rent of School premises, £41, Master of School at Somerset, £100 .....	141	0	0
Allowance in lieu of residence, £30, rent of school, £40 .....	70	0	0

*Ecclesiastical and School Establishment (continued).*

Colesberg, Master of School, £100, allowance for residence, £30 .....	£130	0	0
Cradock, Master of School, £100, Fort Beaufort, Master of School, £100..	200	0	0
Allowance for residence, £30, rent of school premises, £36 .....	66	0	0
Bathurst, Master of School, £60, allowance for residence, £15 .....	75	0	0
Ditto for school-room, £22 10s., Uitenhage, Church Clerk, £43 .....	65	10	0
Richmond, Church Clerk, £43, Teacher at Bushman's River, £30.....	73	0	0
Teacher at Eckhart's Post, £22 10s., allowance for fees, £15.....	37	10	0
Salem, Teacher of School, £30, Cuylerville, ditto, £30 .....	60	0	0
London Society's School, Graaff-Reinet, £30, ditto, Somerset, £20 .....	50	0	0
Ditto, Cradock, £20, Kat River, in lieu of fees for British schools, £80....	100	0	0
London Society's School, Graham's Town, £30, ditto, Wesleyan, £30.....	60	0	0
Do., Farmerfield, £30, do., Clumber, £30, native teacher, Port Elizabeth, £15	75	0	0

*Medical Establishment.*

District Surgeon, Albany, £150, Vaccine Institution, £100.....	250	0	0
Medicines, &c., for seven townships .....	245	0	0

*Judicial and Law Establishment.*

Clerks of the Peace at Uitenhage, Albany, and Graaff-Reinet, at £250....	750	0	0
Ditto at Somerset, Colesberg, and Cradock, at £200.....	600	0	0
Clerks to Resident Magistrates Uitenhage, Port Elizabeth, Albany (2)....	400	0	0
Ditto for Graaff-Reinet, Somerset, Cradock, Colesberg, and Fort Beaufort..	500	0	0
Stationery £250, conveyance for Circuit Judge, £1600, lodging, £150 ....	2,000	0	0
Expense of witnesses, £803 15s., ditto of Inquests, £157 10s., fuel, £7 10s.	968	15	0
Hire of offices at Colesberg, £80 6s 8d., do. for 4 new magistracies, £160..	240	6	8
Interpretation, &c., Circuit Courts, £200, salaries 4 new magistrates, £1000	1,200	0	0
Four Clerks to new Magistrates, £400, conveyance of record books, £21 ..	421	0	0
Salary to Kafir Interpreter .....	100	0	0

*Police, Prisoners, and Gaols.*

Seven Gaolers at £50, four ditto at four new magistracies, £160 .....	510	0	0
Two ditto at Salem and Sidbury, £72, Matron in gaol, Graham's Town, £20	92	0	0
Four Chief Constables at new magistracies.....	240	0	0
Forty-eight Constables at £40, twelve ditto at £36, and twenty ditto at £40.	3,152	0	0
Four ditto at £36, fourteen Scavengers to gaols, at £18 5s.....	399	10	0
Hire of lock-up at Salem, £6, ditto at Sidbury, £5 .....	11	0	0
Hire of gaols at four new magistracies, £160, Kafir Interpreter, £10 .....	170	0	0
Forage for twenty-six horses for thirteen Chief Constables, at £20 ...	260	0	0
Interpreter at Colesberg and Uitenhage, £20, medicines for police, £15 ....	35	0	0
Provisions, clothing, and gaol necessities.....	2,000	0	0
Conveyance of prisoners and convicts, £500, corporal punishment, £20 ....	520	0	0

*Pensions and Retired Allowances.*

Sir Andreas Stockenstrom.....	700	0	0
T. Thompson, Teacher, Uitenhage .....	18	0	0
J. G. Cuyler, Landdrost, do .....	150	0	0
J. H. Lange, District Clerk, do .....	60	0	0
W. M. Edye, Clerk to Civil Commissioner.....	50	0	0
H. Ulyate, Gaoler, Graham's Town .....	20	0	0
D. Campbell, Civil Commissioner, Albany.....	200	0	0
W. Carlisle, Chaplain, Graham's Town .....	100	0	0
W. Gill, District Surgeon, Somerset.....	50	0	0
W. Van der Riet, Civil Commissioner, Uitenhage .....	365	0	0
Superannuated Field-cornets, two, Uitenhage .....	10	0	0
One Somerset, one Cradock, one Graaff-Reinet, four Colesberg .....	35	0	0

*Sufferers by the former Kafir War.*

In Uitenhage, £20 9s. 8d., Albany, £63 4s., Colesberg, £5 .....	88	13	8
Military Pensions, Cape Corps .....	953	14	2
Retired Allowance, M. A. Armstrong, J.P.....	50	0	0

*Miscellaneous Services.*

Government and extra printing .....	150	0	0
Printing office forms .....	107	10	0
Subscriptions to colonial newspapers .....	30	0	0
Oil and cotton for light-house.....	55	0	0
Repairs to government travelling wagon .....	37	10	0
Repairs to gaols, £1,000, and to public buildings, £295 .....	1,295	0	0

(K)

## Recapitulation of Expenditure of Eastern Province.

Lieut.-Governor's Establishment.....	£2,765	0	0
Customs' Department, Port Elizabeth.....	980	0	0
Post Office Department.....	5,078	10	2½
Port Office, Port Elizabeth.....	413	10	0
Civil Commissioner's Office.....	6,834	7	6
Ecclesiastical and School Establishment.....	5,704	10	0
Medical Department.....	495	0	0
Judicial and Law Establishment.....	7,180	1	8
Police, Prisoners, and Gaols.....	7,389	10	0
Pensions and Retired Allowances.....	2,850	7	10
Miscellaneous services.....	1,675	0	0
Total.....	£41,365	17	2½

(L)

## ALBANY.

Amount of Revenue collected in the district of Albany during the years 1844, 1845, 1846, from the following sources:—

<i>Heads of Revenue.</i>	1844	1845	1846
Quitrents on lands.....	686 10 7	694 7 5½	232 2 0
Transfer dues, including fines.....	1233 3 9½	2284 16 9¾	1169 4 1½
Auction dues.....	2034 6 0¾	1889 3 9½	1145 16 0¾
Stamps and Licences.....	2307 11 2½	2547 19 7½	1494 5 5½
Postages.....	1940 1 4¾	2447 13 1	1953 9 10½
Judicial fees.....	100 17 10	51 17 4	21 19 9
Judicial fines.....	36 9 4	35 5 10	116 2 10
Timber licences.....	4 14 0	1 11 0	20 14 0
Market dues, Fort Beaufort.....	24 4 6½	24 4 7½	62 15 1
Pounds.....	10 19 9	22 0 9½	139 2 11
Issue of Title Deeds.....	35 10 6	27 11 3	7 19 3
Sale of Crown lands.....	465 0 0		
	£8,879 8 11½	10,026 11 7	6,363 11 3½

(Signed)

H. HUDSON, Civil Commissioner.

(M)

## UITENHAGE.

Amount of Revenue collected in the District of Uitenhage during the years 1844, 1845, 1846, from the undermentioned sources.—

<i>Heads of Revenue.</i>	1844	1845	1846
Quitrents on lands.....	123 7 0	169 14 7	153 17 11
Auction dues.....	270 10 7	124 16 6	113 0 2½
Postages.....	196 13 7	177 8 5	117 15 11
Redemption of quitrents.....	247 13 9	0 0 0	26 16 3
Transfer dues.....	1634 5 0	1288 8 9	1099 9 2¾
Sale of Crown lands.....	69 7 6	12 19 10½	0 0 0
Stamps, including Licences.....	522 18 3¾	492 10 10¾	473 11 4½
Fees on grants of land.....	6 14 9	11 12 9	1 4 6
Pound fees.....	25 4 10¼	10 1 5½	1 0 7½
Judicial fees.....	59 16 3	39 3 0	6 9 3
Judicial fines.....	196 8 6	26 4 10	10 7 6
Other sources.....	0 0 0	0 0 0	185 11 0
Land rents.....	1846 10 4½	1696 10 10½	645 6 1¾
Road rate.....	0 0 0	1404 11 8½	*13 10 10
	£5,269 10 5¾	5,454 13 7½	2,847 10 9

(Signed)

H. TENNANT, Civil Commissioner.

\* This sum is exclusive of £72 17s. 7d. levied for the divisional board during the year 1853.

(N)

## PORT ELIZABETH.

Amount of Revenue collected at Port Elizabeth during the years 1844, 1845, 1846, from the undermentioned sources :—

<i>Heads of Revenue.</i>	1844	1845	1846
Auction dues.....	540 3 11	818 12 1	861 7 11½
Postage.....	580 13 2	597 4 3	622 19 7½
Custom dues.....	11014 15 5	12706 19 11	19555 13 6
Stamps, including Licences.....	677 13 6¾	812 17 2	817 9 11
Lease of St. Croix, Bird, and Chuan Islands	109 12 3	65 2 9	31 10 0
Lease of the Pound.....	32 16 10½	23 10 8	24 2 6
Judicial fees.....	22 16 0	17 4 6	9 8 3
Judicial fines.....	22 14 4	19 16 6	18 11 8
Other sources.....	9 0 0	9 0 0	38 12 8
Lease of the Toll.....	263 2 6	80 0 0	0 0 0
	£13,273 8 0½	15,150 7 10	21,979 16 1½

(Signed)

H. TENNANT, Civil Commissioner.

(O)

## SOMERSET.

Amount of Revenue collected in the District of Somerset during the years 1844, 1845, 1846, from the undermentioned sources :—

<i>Heads of Revenue.</i>	1844	1845	1846
Land rents.....	974 15 11½	968 12 7½	554 5 10½
Transfer dues and fines.....	586 11 1½	944 3 3½	905 13 10½
Auction dues.....	242 8 11	266 2 10½	149 8 6½
Stamps.....	247 15 9½	245 13 3	193 9 3
Postages.....	115 17 8	127 11 11½	93 19 6
Judicial fines.....	112 1 0	20 11 0	5 3 4
Pound fees, redemption of quitrents, proceeds of unclaimed cattle, fees in Magis. Court, balance on purchase of land sold some years since.....	947 4 3¾	109 19 4	156 18 8½
Received for sales of government land.....	210 5 6	0 0 0	0 0 0
Arrears of revenue, 31st Dec., 1846.....	42 11 7	243 4 8½	310 14 2½
	£3,479 11 10	2,925 10 0	2,369 13 3½

(Signed)

H. HUDSON, Junior, Civil Commissioner.

(P)

## GRAAFF-REINET.

Amount of Revenue collected in the District of Graaff-Reinet for the years 1844, 1845, 1846, from the undermentioned sources :—

<i>Heads of Revenue.</i>	1844	1845	1846
Quitrent on land.....	1193 17 0	1176 15 6	917 3 5
Transfer dues.....	1270 17 6	1165 18 4	620 3 4½
Auction dues.....	423 0 9	268 5 4	536 1 2
Stamps.....	410 2 1½	647 11 5	545 0 7
Postages.....	353 7 8	386 11 7	216 12 0
Fines.....	82 6 0	67 14 0	25 16 0
Sale of government land.....	243 13 9	0 0 0	0 0 0
Pounds.....	132 11 3	92 13 11	38 16 4
Redemption of quitrent.....	93 15 5	0 0 0	0 0 0
Fees.....	14 7 4	19 9 9	28 2 3
Arrears of revenue.....	0 0 0	0 0 0	620 0 0
	£4,217 18 9½	3,824 19 10	3,547 15 1½

(Signed)

W. C. VAN RYNEVELD, Civil Commissioner.

(P 2)

## CRADOCK.

Amount of Revenue collected in the District of Cradock during the years 1844  
1845, 1846, from the undermentioned sources :—

<i>Heads of Revenue.</i>	1844	1845	1846
Quitrents on lands.....	658 13 2	1151 8 6½	902 3 0½
Transfer dues and fines ...	591 10 0	779 3 4¾	922 19 2¾
Auction dues .....	236 19 7½	166 3 5	90 10 8¾
Stamps .....	307 13 10½	347 2 5	240 5 3½
Postages .....	200 17 6	180 19 8	81 14 8½
Fines .....	12 3 0	12 5 8	10 3 0
Other sources ...	134 15 7	45 6 6	96 3 5
Sale of government lands .....	0 0 0	2389 8 6	0 0 0
	<u>£2142 12 8¾</u>	<u>5071 18 1¼</u>	<u>2343 19 4¼</u>

(Signed)

W. GILFILLAN, Civil Commissioner, Cradock.

(P 3)

## COLESBERG.

Amount of Revenue collected in the District of Colesberg during the years 1844,  
1845, 1846, from the undermentioned sources :—

<i>Heads of Revenue.</i>	1844	1845	1846.
Quitrents on lands .....	£1388 17 1¾	1406 13 3½	1242 15 5
Transfer dues and fines .....	735 1 2	1013 8 8½	587 8 3½
Auction dues .....	139 0 2½	199 13 5	35 19 8¾
Stamps .....	212 10 2½	300 16 1½	252 10 11¾
Postages .....	340 14 0	353 18 4	172 7 10
Fines .....	18 15 0	44 9 8	81 18 4
Licences .....	107 7 6	47 10 0	130 10 0
Fees on grant of land .....	0 0 0	1 4 6	4 5 9
Redemption of quitrents .....	29 12 6	0 0 0	55 12 5½
Sales of impounded cattle .....	80 8 5½	26 8 6½	0 0 0
Rent of pound .....	0 0 0	0 0 0	28 9 2
	<u>£3052 6 2</u>	<u>3394 3 4¼</u>	<u>2591 17 11¼</u>

(Signed)

F. RAWSTORNE, Civil Commissioner, Colesberg.



(Q)  
Statement of Exports of Staple Articles from Port Elizabeth, for the years ending 5th January, 1845, 1846, and 1847.

ARTICLES		1845.						1846.						1847.					
		Direct.			Coastwise.			Direct.			Coastwise.			Direct.			Coastwise.		
		Quantity.	Value.	Quant.	Value.	Quantity.	Value	Quantity.	Value.	Quant.	Value.	Quantity.	Value.	Quantity.	Value.	Quant.	Value.	Quantity.	Value.
	per		£		£		£		£		£		£		£		£		£
Aloes .....	lbs.	318035	3225	1000	12	319035	3237	266025	3009	700	9	266725	3018	68578	890	19800	194	88378	1034
Beef .....	csks.	605	1684	303	823	908	2512	1414	3128	293	605	1707	3733	1196	3851	46	128	1242	3979
Butter .....	lbs.	54743	1843	187150	6480	241893	8323	100230	3955	185600	7182	285830	11137	39764	2634	42240	3130	82004	5764
Candles .....	...	5262	155	7850	208	13112	363	15442	407	6900	200	22342	607	399	10	3255	106	3654	116
Gum .....	...	147481	1385	6900	70	154381	1455	496896	10583	47800	586	544696	11169	505540	6253	2800	29	508340	6273
Hides .....	pes.	31723	19998	622	333	32345	20331	42671	21092	2072	1040	44743	22132	40358	19489	1442	677	41800	20166
Horns .....	...	43114	533	13143	158	56257	741	39023	538	36517	474	75440	1012	36827	509	100	2	36927	511
Ivory .....	lbs.	11000	1808	2000	330	13000	2138	7475	1440	1800	330	9275	1770	10286	2053	540	53	10826	2106
Leather .....	½ hds	....	....	1500	1500	1500	1500	....	....	1058	1058	1058	1058	12	14	964	964	976	978
Skins, goat and sheep .....	pes.	66529	4803	24582	1675	91111	6478	67911	6323	61050	4084	182961	10407	133867	13181	22939	1896	156806	15077
Tallow .....	lbs.	102581	1533	371840	5322	474421	6855	154489	2819	299700	4785	454189	7604	113244	1883	102760	1816	216004	3693
Wool .....	lbs.	1297677	67635	183475	9174	1481152	70809	2055048	114153	253410	12851	2308458	127004	2188937	113318	114000	6140	2302937	119438
Other colonial articles .....	...	....	1966	....	1685	....	3651	....	11807	....	3992	....	15793	....	6671	....	2027	....	8698
Total Colonial	...	....	196618	....	27775	....	134393	....	179254	....	37196	....	216450	....	170756	....	17147	....	187903
Not Colonial.	...	....	4498	....	3481	....	7979	....	2440	....	4141	....	6581	....	2238	....	8979	....	11217
Total exports.	...	....	111116	....	31256	....	142372	...	181694	....	41337	....	223031	....	172994	....	26126	....	199120

	1845.			1846.			1847.		
	British Ships.	Foreign Ships.	Total value.	British Ships.	Foreign Ships.	Total value.	British Ships.	Foreign Ships.	Total value.
	£	£	£	£	£	£	£	£	£
Great Britain..	125440	..	144467	171646	..	195163	Goods entered for col consum	235530	
East Indies....	3922	..		468	..				
Mauritius .....	13654	..		20537	..				
Natal. ....	211	..		292	..				
Rio de Janeiro.	1240	..		166	..				
Adelaide.....	..	..		50	..				
Java .....	..	..	4716	1383	..	6322	Specie and wareh goods .	18318	
Cape Town....	..	..		80	..				
Mazeppa Bay..	..	..		481	..				
Quillimaine ...	..	178		60	..				
United States..	..	4538		..	5014				
Sweden.....	..	..		..	257				
Manilla.....	..	..	149,183	..	511	201,485	..	..	253,848
Bourbon.....	..	..		..	540				
Total value..	..	..	149,183	..	..	201,485	..	..	253,848

No detailed Return for the year ending 5th January, 1847, has as yet been published.

(S)

INWARDS.									
	Vessels.		Coastwise.		Total		Value of Imports direct.		
	No.	Tons.	No.	Tons.	No.	Tons.	British.	Foreign.	Total.
Year ending							£	£	£
5th Jan., 1845..	53	11967	45	7659	98	19626	144467	4716	149183
5th „ 1846..	69	11324	72	12630	141	23954	201485	..	201485
5th „ 1847..	76	19865	99	15107	175	34972	235530	..	253848
				Specie &	wareh	oused...	18318		

  

OUTWARDS.										
	Vessels.		Coastwise.		Total.		Value of Exports.			Total.
	No.	Tons.	No.	Tons.	No.	Tons.	Colonial.	Not Col.	Coastw.	
Year ending							£	£	£	£
5th Jan., 1845..	47	10935	45	7819	92	18754	106618	4498	31256	142372
5th „ 1846..	75	14205	58	8727	133	22932	179254	2440	41337	223031
5th „ 1847..	62	16328	112	16051	174	32379	187903	11217	includ.	199120

(T)

Abstract of Goods Coastwise, imported into Port Elizabeth from Cape Town,  
from 5th July, 1846, to 5th July, 1847.

FOR RATED ARTICLES.					
Goods.	Quantity.	Weight.	Duty.	Amount.	Value at Cape Town prices.
				£	£
Coffee.....	6296 bags....	8994 cwt.....	10s.....	4497	19832
Tea.....	2161 pkgs....	60 lb pkgs.. }	4½d.....	3109	11375
	3839 boxes...	10 lb boxes.. }			
Tobacco.....	1485 pkgs....	Cigars, &c....	. . . . .	1600	10000
Rice.....	3790 bags....	162 lbs to bag.	1s 6d cwt	406	4548
Flour.....	3071 casks...	.....	3s.....	460	7677
Sugar, say Brazil.	453 „ ...	200 lbs each ..	.....	182	1359
„ candy....	1036 boxes...	40 lbs each ...	. . . . .	58	1086
„ not refined	5751 bags....	7189 cwt.....	2s 3d....	808	10063
Spirits, foreign. {	130 hhds....	hhds, 60 gals }	1s.....	427	2137
	25 casks..	casks, 30 „ }			
Do. do. ..	2522 cases....	2½ gals each..	.....	315	1765
Deals.....	360 .....	.....	.....	10	135
Gunpowder... {	57 barrels ..	.....	.....	180	790
	202 ½-barrels.	.....	.....		
Pepper.....	38 bags....	.....	.....	6	12
Wines, foreign...	30 hhds 51 csks	60 gals, 30 each	1s 6d. ..	249	900
„ „ ...	1185 cases....	2 dozen .....	4s.....	474	3555
				12781	75234

AD VALOREM ARTICLES.				
Goods	Quantity.	Amount of duty.	Value for duty	Value at Cape Town prices.
		£		£
Paints and Oils.....	2413 packages....	60	10s each.	1206
Confectionery.....	1096 „ ....	100	30s „ ..	1644
Candles.....	318 „ ....	5	10s „ ..	159
Soap.....	2071 „ ....	40	8s „ ..	817
Drugs.....	405 „ ....	60	£3.....	1215
Hardware and Spades .	1413 „ ....	212	£3. ....	4239
Stationery.....	149 „ ....	40	£5.....	745
Oilman's Stores.....	7978 „ ....	400	20s.....	7973
Perfumery.....	12 „ ....	3	say £60.	60
Leather.....	500 „ ....	575	£15 each	7500
Cottons, Woollens ....	2724 cases.....	7050	£30 „ ..	140610
Linens and Silks.....	1963 bales... }			
Earthen and Glassware.	557 packages...	80	£3 „ ..	1671
Beer.....	564 csks 11 hhds.	30	£600 „ ..	600
Lead.....	3173 bars 6 pkgs..	...	.....	....
Shot.....	24 kegs .....	4	£80 ....	80
Matting, &c .....	143 packages....	5	£100 ....	100
Cordage.....	20 „ ....	3	£60 ....	60
Furniture and Pianos..	147 „ ....	50	£1000 ..	1000
Anchors and Cables ...	5 „ ....	...	.....	....
Millstones.....	12 „ ....	10	£200 ....	200
Molasses.....	16 casks.....	3	£60 ....	60
		8510		169944
	For Cape	profit and	charges..	56348
				226592

## Probable value of the Trade to Cape Town.

For amount of rated articles.....	£75,234
Do. Ad valorem .....	226,592

## COLONIAL PRODUCE.

Cape Wine .....	1988 hhds..	60 galls. each ..	1s.	£ 5,964
„ Spirits .....	550 legers. ....		£16	2,800
Meal .....	16375 muids. ....		Rds. 25	30,703
Flour .....	12164 bags..	100 lbs.....	„ 22	20,070
Barley .....	8071 muids. ....		„ 10	6,053
Oats .....	5759 „ .....		„ 1	4,309
Wheat and Beans...	723 „ .....		„ 24	1,300
Bread .....	1071 bags..	average 100 lbs. „	20	1,600
Forage .....	417 bales..	300 lbs.....	„ 5	468
Mealies .....	64 bags..			40
				— 79,307

£381,133

Tonnage employed, about 11,698 tons, exclusive of all vessels to Waterloo Bay, Kowie, Cawood's Bay, and Buffalo.

Amount of duty collected in Cape Town on goods consumed in the Eastern Province..... £21,291

(U)

Progress of the Customs' Revenue at Port Elizabeth on Imports, exclusive of those Coastwise, which are supposed to be at least equal, if not more than the Direct:—

1830.....£	688	From statements laid before the Legislative Council 19th August, 1846, on the subject of a Breakwater.
1831.....	445	
1832.....	723	
1833.....	909	
1834.....	2,019	
1835.....	1,505	
1836.....	2,036	
1837.....	3,648	
1838.....	5,450	
1839.....	5,599	
1840.....	4,140	
1841.....	4,025	
1842.....	10,060	
1843.....	10,992	
1844.....	10,799	
1845.....	12,707	From statement of Hon. John Montagu to J. C. Chase, 19th October, 1846.
1846 .....	18,774	From Return of Port Elizabeth Committee of Inquiry on a separate government, 23rd Sept., 1847.

(V)

Statement of the Assets and Liabilities of the Eastern Province Bank, as published on the 30th June in each year, in accordance with the Deed of Settlement:—

Year.	Liabilities.		Assets.	
	Deposits.	Circulation.	Money.	Securities.
1840.....	£15,775	£18,185	£15,765	£45,099
1841.....	29,713	25,257	22,613	62,364
1842.....	30,349	25,979	19,590	68,854
1843.....	30,309	30,721	18,283	76,463
1844.....	37,137	22,946	17,051	77,795
1845.....	51,327	40,407	33,959	92,430
1846.....	56,496	51,940	42,250	101,720
1847.....	87,493	77,394	60,557	141,149

NOTE.—The fractional parts of a pound are omitted in the above statement. The Eastern Province Bank is a Bank of deposit, circulation, and discount.

(w)

Extracts from the Report of Capt. Moresby, R.N., of His Majesty's Ship the *Menai*, in 1822, relative to Algoa Bay :—

“ Had I my choice of trusting my ship for the year round to Torbay in England, Palermo Bay in Sicily, Table, or Algoa Bay, I should, without hesitation, prefer the latter. From the 1st April (the beginning of winter) to the 1st of September (its close), the wind scarcely ever blows from the S.E. Not an accident happened in landing 1020 men, 607 women, and 2032 children, as English emigrants in 1820, the debarkation extending from the middle of April to the 25th June. There is, however, much want of a jetty for landing goods and passengers, as in some seasons the surf rolls in with great violence, and common boats are not safe, a beaching or a surf boat being requisite.

“ A lighthouse also is very desirable. Cape Receiffe would form the most eligible site, and its erection would be highly advantageous to all ships bound to or from India. On this ground the Commissioners consider that the expense might justly be defrayed by England, while the colony would be charged with the current expense of the light.

“ As the export port to the Isle of France, &c., Port Elizabeth is admirably situated, and as a place for refreshment during the winter months, few seamen would risk their ships in Table Bay, or encounter the delay in beating up to Simon's Bay with a north-west wind, when Port Elizabeth affords much easier access, and articles of refreshment at a more moderate price.”

(x)

Opinion of Sir John Marshall, Commander of H.M. Ship *Isis*, on a slight survey, made of Algoa Bay in July, 1843 :—

“ That the extreme points of the land forming the bay, extend only six points from the anchorage, which is from east half south to south and by east half east, and it is only when the wind blows within these points that ships can be placed in danger at the anchorage ; and taking an average of the year, it may safely be said that the wind blows four days *from* the land to one day that it blows upon it.”

(y)

Extract of a letter from Capt. Lloyd, R.N., Resident Magistrate of Port Elizabeth, under date the 12th October, 1843, after the great storm of the 26th August of that year, and addressed to Agents for Lloyds :—

“ The holding ground in Algoa Bay is proverbially good ; indeed there is not a solitary instance of an anchor having started from its original position. All the wrecks have been caused by the parting of chains, and this is an additional proof that good moorings would have been the salvation of every ship lost ; and when it is considered how much facility it would give to vessels bound to England or Table Bay, that had been waiting for a south-east wind, in the difference of merely slipping from a mooring buoy, with her sails set, and having to get her anchor, with the wind and swell setting dead upon the beach, it really must form another reason for regret that moorings have not for many years since been laid down.”



(z)

## Statement of General Customs' Revenue for the two Provinces for the years 1845 and 1846.

	1845	1846	Increase.
First Quarter.....	£17,239 7 11	£21,549 10 10	£4,310 2 11
Second do .....	20,551 16 7	25,016 16 11	4,465 0 4
Third do .....	22,040 6 10	26,860 19 10	4,820 13 0
Fourth do .....	22,540 17 6	28,996 18 6	6,456 1 0
	£82,372 8 10	£102,424 6 1	£20,051 17 3

*From Official Returns in Government Gazette.*

Total Customs' Revenue of both Provinces, 1846.....	£102,424
Eastern Province Revenue, from Custom-house Returns.....	18,774

Leaving the amount of Customs' Revenue for Table Bay..... £83,650

Of which a considerable portion should come to the credit of the Eastern Province.

The actual Customs at Port Elizabeth for the first two quarters of 1847, from Custom House Returns, amount to £10,128.

(A 2)

## Cash Receipts at the Graham's Town Post Office for the years 1844, 1845, 1846, and part of 1847.

1844.	1846.
January..... £191 14 3½	January ..... £152 9 3
February..... 132 14 1	February..... 161 5 11
March..... 151 12 7	March..... 134 13 4½
April..... 164 5 7	April..... 102 11 11½
May..... 178 5 7	May..... 95 18 10
June..... 117 2 2	June..... 198 10 5
July..... 158 2 1	July..... 99 17 0½
August..... 148 0 1	August..... 128 2 5½
September..... 142 10 4½	September..... 218 7 5
October..... 152 10 0½	October..... 133 15 2
November..... 195 3 4	November..... 82 5 0½
December..... 129 13 9	December..... 238 15 5
£1,861 13 11½	*£1,746 12 3½
1845.	1847.
January..... £170 3 9½	January..... £137 11 0½
February..... 156 14 7	February..... 137 17 9½
March..... 130 14 7	March..... 197 13 2
April..... 176 10 3	April..... 133 18 5½
May..... 219 9 2	May..... 115 12 11
June..... 152 17 0½	June..... 196 17 10
July..... 165 6 7	July..... 141 14 1½
August..... 166 1 1½	August..... 155 17 5½
September..... 150 3 2	
October..... 201 14 7	£1,217 2 9½
November..... 174 2 4	
December..... 158 12 5	
£2,022 9 7½	

The undermentioned sum is due by the government for postage on official letters, and not included in the beforementioned amounts paid to the Civil Commissioner:—

From October, 1846, to August, 1847..... £108 2 10

In January, 1846, the new system came into operation, the postage being fixed to all parts of the colony, at 6d per letter, weighing not more than half an ounce; prepaid letters being charged 4d., foreign letters, 8d.—the same rate, with the addition of 4d. on each letter.

The business of the Post Office has greatly increased within the last three years, the Postmaster estimating that since the year 1842 the business has more than doubled.

\* To the end of 1845 the postage on a single letter from and to Cape Town was 1s., and for every quarter of an ounce an additional 6d. To the country districts a postage varying in proportion to the distance was charged. Foreign letters were charged 1s. 4d.; if in an envelope, 2s. 8d.

(B 2)

Statement of the Revenue of the Eastern Province of the Cape of Good Hope,  
for three years :—

	1844.			1845.			1846. Year of War.			Total for three years.			Average yearly Revenue.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Port Elizabeth...	13273	8	0 $\frac{1}{4}$	15150	7	10	21979	16	1 $\frac{1}{2}$	50403	11	10 $\frac{1}{4}$	16801	3	11 $\frac{1}{2}$
Uitenhage.....	5269	10	3 $\frac{3}{4}$	5454	13	7 $\frac{1}{2}$	2847	10	9	13571	14	10 $\frac{1}{4}$	4523	18	3 $\frac{1}{2}$
Albany .....	8879	8	11 $\frac{1}{2}$	10026	11	7	6363	11	3 $\frac{3}{4}$	25269	11	10 $\frac{1}{4}$	8423	3	11 $\frac{3}{4}$
Somerset.....	3479	11	10	2925	10	0	2369	13	3 $\frac{1}{2}$	8775	4	1 $\frac{1}{2}$	2925	1	4 $\frac{1}{2}$
Cradock.....	2142	12	8 $\frac{3}{4}$	5071	18	1 $\frac{1}{4}$	2343	19	4 $\frac{3}{4}$	9558	10	2 $\frac{1}{2}$	3186	3	4 $\frac{3}{4}$
Colesberg.....	3052	6	2 $\frac{1}{2}$	3394	3	4 $\frac{1}{4}$	2591	17	11 $\frac{1}{4}$	9038	7	5 $\frac{1}{2}$	3012	15	9 $\frac{3}{4}$
Graaff-Reinet ....	4217	18	9 $\frac{1}{2}$	3824	19	10	3547	15	1 $\frac{1}{2}$	11590	13	9	3863	11	3
Total average yearly Revenue.....													£42,735 18 0 $\frac{1}{2}$		

Compiled from Official Returns of the various Civil Commissioners in the Eastern Province.

(C 2.)

Extract from a Memorial of the Merchants, Landholders, and others connected with the Colony of the Cape of Good Hope, resident in London, to the Right Honourable Lord Stanley, Her Majesty's Principal Secretary of State for the Colonies, &c., dated London, 19th February, 1842 :—

“That the Cape of Good Hope is now of great importance as an outlet for British manufactures, the use of which is annually spreading towards the interior of the African continent,—the declared value of which, imported into the colony from 1827 to 1837, is shown by parliamentary papers to have amounted to £3,560,423; whereas the total amount imported into the three colonies, New South Wales, Van Diemen's Land, and Swan River (to which colonies government has encouraged emigration), did not together amount to more than £6,201,840. That in 1837, 3,000,000 yards more of plain and printed cottons were sent to the Cape than to the three abovementioned colonies together. That it thus appears the average value of British manufactures imported into the colony for 11 years, concluding with 1837, was £323,674; but from 1838 to 1840 it amounted to £1,504,544, averaging £501,514 per annum, showing the Cape to be a colony of much importance, and deserving every encouragement; that the demand for agricultural implements and all kinds of hardware would, with emigration, greatly increase; that the exports, being the produce of the colony, are annually increasing; that the import of wool into England from this colony has increased from 1832, when it was 67,890 lbs. in 1841; that the imports into the Eastern Province, a settlement made in 1820, last year amounted to £250,000; that the wheat of the Cape of Good Hope is of the finest quality, being heavier and finer than the best English; and that there is an immense extent of arable land, which is only not cultivated for want of labour; that the breeding of horses for the cavalry of India, truly a national object, might be advantageously followed; cattle also for supplying the Mauritius, and for salt provisions; that the fisheries at the Cape cannot be advantageously followed for want of hands; that the quantities of fish on Agulhas bank are as inexhaustible as on the banks of Newfoundland; that there are other articles of great variety and value now neglected at the Cape for the want of labour; that the number of vessels entering the ports of the colony is very considerable, amounting to upwards of 600.

(D 2)

A Return of the number of British immigrants, at Government expense, landed at Table Bay, during the years 1843, 1844, 1845, and 1846 :—

Number landed.....535.

NOTE.—These immigrants comprise only those of whom the Collector of Customs had superintendence.

(Signed) W. FIELD, Collector.

Custom House, Cape Town, 6th September, 1847.

(E 2)

An account of all emigrants imported into this port, during the years 1846 and 1847 :—

Date.	Ship.	Male Adults.	Female Adults.	Children.
1846—13th May....	<i>Recorder</i> .....	9	3	Nil.
17th June....	<i>Simlah</i> .....	2	2	5
1847—25th Feb....	<i>Gilbert Henderson</i>	21	12	12
Total....		32	17	17

Total of all ages.....66.

(Signed) D. P. FRANCIS, Collector.

Custom House, Port Elizabeth, 1st Nov., 1847.

(F 2)

A Return of the number of captured slaves landed at Table Bay and Simon's Bay who have been distributed by the Collector of H. M. Customs, and of the number sent on to Algoa Bay, during the years 1842, 1843, 1844, 1845, and 1846 :—

Total number distributed..... 2,353  
Total number sent on to Algoa Bay..... NIL.

W. FIELD, Collector.

Custom House, Cape Town, 6th Sept., 1847.

CAPE.—No. 589.

Downing-street, 5th March, 1851.

Lieut.-General Sir HARRY SMITH.

SIR,—I have received your despatch No. 193, of the 12th December, reporting your arrival in British Kaffraria, and enclosing copies of a correspondence with Colonel Mackinnon, and the respective commissioners, relative to the state of the frontier. I have likewise received a letter addressed by Mr. Montagu to one of my Under Secretaries, dated 16th December, transmitting copies of further correspondence, showing that no apprehension was then entertained of an outbreak in Kaffraria.

I am glad to learn that all reason for immediate apprehension is at an end, and I hope that your next accounts may be equally satisfactory.

The recent occurrences in British Kaffraria, and the effect which they have produced on the inhabitants within the frontier, tend to show that the almost constant presence of the Governor at no great distance from the frontier is required for the maintenance of peace and good government; and when I consider at the same time the growing importance of Natal, of British Kaffraria, and of the Orange-river territory, it appears to me that the time has come when the seat of government can no longer be kept in a position so far from central as Cape Town, without extreme inconvenience.

I should wish you therefore to state to me whether you see any objections to its being removed to Graham's Town. If this change should take place, I think that, in consideration of the great advantage that place would derive from it, the municipality should undertake to provide a residence for the Governor, and the necessary buildings for public offices. The expense might probably be provided for by borrowing money on the security of a rate to be levied on property in the town.

I have, &amp;c.,

(Signed)

GREY.

No. 108.—POLITICAL.

King William's Town, 14th June, 1851.

The Earl GREY.

MY LORD,—Upon the arrival of your Lordship's despatch of the 5th March last, in which I am desired to state whether, under the existing and prospective circumstances of this colony, I see any objection to the removal of the seat of government to Graham's Town, I deemed it expedient, as the question is one involving so many interests, general and local, as regards capital, property of all descriptions—commerce and communication with the maritime world at large, to assemble the Executive Council in Cape Town, for the purpose of deeply considering so important a subject, and of favouring me with a minute of their opinion thereon.

Of that minute I have now the honour to enclose the copy.

2. Previously to my departure from England, to administer the affairs of this colony, I strongly advanced my opinion that the time had not arrived when it would be advisable to grant to the eastern province a government, separate from that of the west; and all my exertions were directed to preserve the union; while I advised that a representative form of government should be granted to the Cape.

3. Recent circumstances, coupled with the extensive rebellion of the Kafirs, and which is of far more importance, that of a large portion of the Hottentot population and of the coloured classes within the eastern frontier—many more of whom are wavering in their allegiance—induce me at once, and decidedly, to

change that opinion, and to recommend a separate and distinct government for the eastern province, to which should be attached British Kaffraria and the sovereignty beyond the Orange River. It should be given, in my opinion, a representative form of legislature, founded upon the plan which I have recommended for the colony, as a whole; and the seat of Government should be at Graham's Town.

4. Under this arrangement I of course anticipate that a representative form of legislature, framed upon the principles which I have advocated and submitted to your Lordship, would be granted to the western province, in which the seat of government should remain as at present in Cape Town; and I advise that the officer administering the affairs of that portion of the Cape, should be the Governor-General of the whole of Southern Africa, under Her Majesty's dominion, viz:—the western province, the eastern province, including British Kaffraria, and the Sovereignty and Natal.

5. Innumerable objections to the removal of the supreme seat of government present themselves to my mind. The object of government is to improve the condition of those whom it controls by all possible means. In the event of the adoption of the measure in question, that is--removal, many of the reasons which now induce me to recommend a separate government for the eastern province, would be then equally applicable in regard to the west. Setting aside the loss in value of property, &c., which would accrue to the inhabitants of Cape Town and its neighbourhood by any abrupt change, the evils which are so loudly complained of by the people of Albany, Port Elizabeth, &c., would then be felt in an equal degree by the inhabitants of the present capital. Imperial interests would also in my opinion suffer. In the event of a European war, a contingency which must not be lost sight of, the direct communication with the government would be so distant, that the resources of the western districts, uncontrolled by the presence of supreme authority could not be rapidly collected and applied. The daily intercourse also which can now be maintained between the Governor and Naval Commander-in-Chief at Simon's Bay—the only bay in the colony which can be made available as a naval station, would be interrupted and the delay would manifestly be attended with injury to the public service.

More than this, the Cape of Good Hope, by which I mean the neighbourhood of the ports of Table Bay and Simon's Bay, can never be divested of its maritime importance in connection with Her Majesty's southern and vast oriental possessions; and the removal of the seat of Government to the distant and comparatively inaccessible position of Graham's Town, or any other place in the eastern districts, would, as it appears to me after the most mature deliberation, be fraught not only with various local evils, but be generally injurious to the interests of the British empire.

6. At the commencement of the Kafir rebellion, the first succour I received in men, material, and stores, was drawn from the western province,—having been collected with unparalleled vigour by the Colonial Secretary, and the members of Government, and forwarded by the aid of Her Majesty's steamers. The resources of the western province are far greater than those of the east, and in times of need must ever be resorted to in the defence of the latter. I here most advisedly assert that had there been no supreme Government at Cape Town—no one in authority to communicate with the officer commanding Her Majesty's navy—no Government to communicate direct and at once with the Commissary-General, who was obliged to have recourse to the local banks for specie, &c., the Governor and Commander-in-Chief would have been left worse than powerless in British Kaffraria.

7. These are the outlines of my objections to a removal. Your Lordship's experience will enable you to conceive, far better than I could describe the various and complicated minor reasons which have brought me to this conclusion. In conveying, in the strongest manner, my conviction that it is desirable that the eastern province should have the direction of its own affairs, while sound policy should urge us to hold together, under one general Government,



the settlement of the Cape of Good Hope, and to retain the supreme seat of Government at Cape Town, I trust I shall not be regarded as having hastily and unadvisedly changed my views in regard to a subject upon which my opinion was formerly so opposed: recent events have led to this change.

They have clearly shown that there is no community of interests at the Cape; the inhabitants of the eastern and western provinces are continually advocating opposite views; and these can be best provided for by separation.

8. The opinion expressed in the enclosed minute as to the Legislative Council fully coincides with my own. Its re-establishment has long been my desire, and especially so since the receipt of your Lordship's despatch of the 10th December, 1850.—No. 554, directing me to form it at Graham's Town. For that purpose, therefore, I shall, so soon as the circumstances of the war permit, instruct the members of the Executive to repair to Graham's Town, whither I shall myself proceed, if I find my presence on the immediate frontier necessary after the cessation of hostilities; but, in the event of the Legislative Council being re-constructed at Graham's Town, I shall, so soon as the business of the session is completed, direct the members of the Government to return to Cape Town, in the hope, that my opinion, which your Lordship has called for, may be deemed explicit and satisfactory.

I have, &c.,

(Signed)

H. G. SMITH.

ENCLOSURE.—Minute of the Executive Council on the proposed removal of the Seat of Government.

Minute 15.

Colonial Office, June 5, 1851.

The Executive Council met this day, pursuant to adjournment.

PRESENT:

The Secretary to Government,  
The Treasurer,

The Attorney-General,  
The Collector of Customs,

The Auditor-General.

At the desire of His Excellency the Governor, the question of removing the seat of government from Cape Town was resumed.

The Council, sensible of the importance of this question, and of the difficulty of fully comprehending its numerous and complex bearings, has devoted to the consideration of it much time and attention; and the members do not hesitate to avow that their deliberation upon it has but imperfectly developed some points, which must be fully understood, before they can advise His Excellency upon a measure of so much gravity, further than to say that in their opinion, in the present position of the question, a local government, of some description, on the frontier would seem to be inevitable.

Amongst the points upon which the members would, before submitting their advice, desire to have fuller information, is the intention of Her Majesty's Government regarding the precise nature of the strictly local machinery, by which the general form of government established by letters patent in British Kaffraria and the Orange River Sovereignty is to be hereafter carried on, as well as regarding the form and constitution of the future legislature and government of the Cape colony itself.

If, however, in the interim, His Excellency should consider the advice and assistance of his Executive Council as likely to be of use to him, while detained on the frontier, for any temporary purpose, the members are of opinion that they would best serve him and the public by repairing to Graham's Town; and the Council would further observe that if, for the purpose of completing the legislative business, left unfinished when the Legislative Council was rendered incom-

plete in September last, and of discharging any of its other necessary duties, His Excellency should deem it fitting to summon the Legislative Council to meet at Graham's Town, during the sojourn there of the Executive,—such a course might, in the opinion of the Council, be adopted with great propriety, and be attended with advantage to the public service.

And the Council adjourns.

(Signed)

CHARLES J. BOYLE,  
Clerk of the Councils.

No. 657.

Downing-street, 14th July, 1851.

Governor Sir H. SMITH, Bt., &c., &c.

SIR,—I have received a communication transmitted to me by Mr. Montagu in a letter addressed to Mr. Hawes, from Mr. T. Phillips, chairman of a public meeting held at Graham's Town on the 22d May, together with a memorial adopted at that meeting, and signed by a large number of the inhabitants of Graham's Town and Albany. I have to request that you will inform Mr. Phillips and the memorialists that I have received with much satisfaction this expression of their gratitude to Her Majesty for the succour and support which have been afforded to them at a time of imminent danger, and of the warm feelings of loyalty which they cherish for Her Majesty's person and government.

2. With regard to the strong representation contained in this memorial, of the necessity of either establishing a separate government in the Eastern Province, or of transferring to that district the seat of government for the whole colony, you are aware, from my despatch, No. 589, of the 5th March last, that I concur with the memorialists as to the expediency of the latter measure, nor am I surprised to find that among the inhabitants of the eastern division of the colony, there should prevail an almost universal conviction that their interests cannot safely be left to the consideration of a legislature sitting at Cape Town, and that, for their protection from the calamities of war by an efficient management of the relations of the colony with the neighbouring tribes, it is absolutely necessary that the executive government within the district should be administered by an officer, acting, not with the limited authority which can alone be exercised by a lieutenant-governor subordinate to a governor resident at Cape Town, but with the large powers which appertain to a governor, responsible only to Her Majesty's government, and to parliament, for the measures which he may adopt.

3. These views are, in my judgment, reasonable in themselves, and they derive much additional force, both from their being in accordance with the opinion expressed by Sir B. D'Urban in 1834, who recommended that the seat of government should be removed to the eastern division of the province, and from the circumstance of the present time. In your despatch, No. 32, of the 19th of February last, you state that you were absolutely unable to assemble a legislative council, because Mr. Cock and Mr. Godlonton could not leave their families and property to proceed to Cape Town; and it would be equally impossible for you to summon the principal executive officers from the public offices in Cape Town, to attend a council at Graham's Town. No doubt, while the public offices remain at Cape Town, and all the public business has to be there transacted, this is a very serious difficulty; but if these were removed to Graham's Town, or to some other place in the eastern district, this difficulty would no longer exist, and the obstacle you have pointed out to bringing the council together would be got rid of.

4. As the early assembling of the Legislative Council for the object adverted to in my despatch of the 30th of June is highly desirable, this is a consideration of great importance, nor can I avoid the remark which is thus suggested, that when a representative legislature shall be constituted, it is probable that, for many years to come, it will be easier for the members from the western portion of the colony than for those from the eastern division to leave their homes for the purpose of attending a legislative meeting at a distance.

5. But while I continue, for these reasons, to regard the removal of the seat of government as advisable, I shall wait for your answer to my despatch of the 5th of March, before I come to any decision on a question which is far from being free from difficulty, and in the mean time I think it right to transmit to you the enclosed copy of a memorial, urging various objections to the proposed measure, which I have received from some of the principal merchants connected with the Cape Colony, and resident in London. This memorial is entitled to the most respectful consideration, as well from the character of the gentlemen by whom it has been signed, as on account of reasons that are urged against the removal of the seat of government from Cape Town. But though these reasons are urged with much force, and it certainly cannot be denied that, in some respects, inconvenience must result from such a change, especially in the first instance, I am not prepared to adopt the conclusion which has been come to by the memorialists.

6. With regard to the depreciation of property in Cape Town which is anticipated from its ceasing to be the seat of government, I have to remark that if the general interests of the colony at large can be shown to require that the seat of government should be removed, the measure ought no more to be given up in order to maintain the value of the property of individual owners at Cape Town, than in the opposite case it ought to be adopted for the sake of enhancing the value of private property at Graham's Town.

It is on considerations of a much more general character that the question ought to be determined, and Her Majesty's government in ultimately coming to a decision will be influenced by no preference for the interests of one part of the colony over those of another, but exclusively by the judgment they may form as to the course which is most likely to promote the welfare and security of the whole colony. In point of fact, however, I see little reason to suppose that the apprehended depreciation of property at Cape Town would result from its ceasing to be the seat of government. Even should it cease to be so, it must still continue to be the commercial capital of the colony, and property in a commercial capital, if the colony prospers, must necessarily maintain a high value.

It is also true that whenever this country is engaged in war with any civilized power, Cape Town, and the naval stations in its vicinity, will be the points which will chiefly require naval and military protection. But the efficiency of the military and naval protection to be given to this part of the colony need be in no degree impaired by the transfer of the public establishments to another situation. On the contrary, in the event of an attack on the colony by a foreign enemy it would be an advantage, that the seat of government and the public offices should not be at Cape Town, a situation in which, more than any other, they would be exposed to the risk that the temporary occupation of the intervening ground by an invading force might cut them off from all communication with the rest of the colony, and thus throw difficulties in the way of organizing defensive measures.

7. I have to add that it seems to be assumed,—I know not on what grounds,—that the commercial capital of a country ought to be the seat of government. I see no reason why this should necessarily be the case; indeed there are many well-known examples to the contrary, especially in the United States of America, where neither the general government of the whole Union, nor the governments of several of the individual states, have been established in towns of the first or even second class, in point of size and commercial importance. I believe that no inconvenience has resulted from this arrangement. Perhaps it may even be regarded as advantageous upon this ground, that while the interests of the commercial capital of a country are never likely to be overlooked, wherever the government may be established, such a capital may often obtain an undue preponderance if, in addition to its other means of exercising a predominating influence, it has also that of being the seat of Government.

8. Such are the views I continue to entertain upon this important question,

after having carefully considered the information of which I am at present in possession. I am, however, sensible that there may be reasons, of which I am not aware, against the proposed measure, and objections to it which have not occurred to me; if so, your answer to this and my former despatch on the same subject, will no doubt bring those objections fully before me, and they will not fail to receive the deliberate and careful consideration of Her Majesty's government.

I have, &c.,

(Signed)

GREY.

To the Right Hon'ble Earl GREY, Her Majesty's Principal Secretary of State for the Colonies.

The Memorial of the undersigned, having interest in the Colony of the Cape of Good Hope,

HUMBLY SHOWETH—

That information has been received by them of the question having been under your Lordship's consideration, whether the seat of government of the Cape colony ought not to be removed from Cape Town, where it is at present established? In regard to this question, your memorialists, as being deeply interested therein, beg leave most respectfully to submit to your Lordship the following observations.

It cannot but be obvious that where the seat of a government has been established in a particular locality, for a period so long as two hundred years, the transference of it to any other place involves the most serious results.

The labour and wealth of that long period have been employed in conquering difficulties, removing impediments, and securing facilities on the lines of communication, and in establishing accommodations in the place itself, which would be rendered abortive, in some degree, if that object be removed for which the labour was so applied. Great interests will, therefore, in all such cases, suffer. In respect to Cape Town, this would especially be the case. It has always had a more than usually preponderating value over the districts of which it is the metropolis, as compared with other capitals, both in population and resources. This is mainly due to its having been always the centre of administration and influence, and trade. The rest of the colony was, in fact, for a long period, considered as of value only in so much as it was subservient to the security and advancement of the capital, as a station of commercial and warlike influence. Hence, a more than usual amount of wealth and labour has been devoted to the development of its resources, and a more than usual amount of the means of the community has, comparatively speaking, been concentrated in it, and a more than usual extent of injury will be inflicted by the change.

A very great loss would occur in respect to the value of the accommodations of all kinds, which, by the labours of the community, have been prepared for the administration of authority; and to prepare the same accommodation elsewhere is, in reality, equivalent to the imposition of a new tax, in some way or other, upon their resources. The value of private property would also be greatly affected by it, and as it would especially modify the value of fixed property, such as land and buildings, it would tend to reduce an influence which circumstances especially require should be fostered and increased. A very small reduction in value weakens, in such cases, to an incomparable extent, the whole concentration of wealth and power which is affected by it; and had such now been the case, and had the administration not been located in Cape Town, the government could not have had at its command the resources it employed to meet the commencement of the present warfare. By its position amid the denser population and more abundant resources of the Cape district and others adjoining, these were put almost immediately *at its disposal*,—above 2,000 men, with their equipments, for warfare.

Viewed also as the point at which the line of communication to the eastward from Europe must touch the African continent, it necessarily becomes the axis of all great movements in politics or commerce affecting the south of Africa, and the neighbouring countries; and the more speedy, constant, and perfect these modes of communication become, the greater will be the importance and value of this point.

As regards naval warfare, and the defence of the vast commerce which circulates round the Cape of Good Hope, it is obvious that the Peninsula, including Table Bay, Hout Bay, and Simon's Bay, possesses capabilities which are nowhere rivalled in the world, as to influence and importance. It affords in these three points positions which, as a whole, cannot be blockaded, of which the first and last are of the easiest possible access; the last is strongly defensible, and the second, with a good depth of water and absolute shelter for anchorage, can scarcely be either seen into or assailed by an enemy. It therefore happens that, in regard to the two great lines of the African coast which meet there, this peninsula forms, on the whole, the dominant position; and it is manifest that if a hostile attack on the colony should put an enemy in possession of Cape Town, this disaster would be almost beyond remedy, and no measures can be safe which weaken this position.

In respect also to the political and commercial value of Cape Town, your memorialists also beg leave to remark that the interests and affections of the more original and leading section of the colonial population appear to be indissolubly bound up with its importance and pre-eminency. They would be very greatly the sufferers, in every point of view, by the transference of the government to any other place. A decision to this effect might be considered by them as directed especially against their prepossessions and their interests; and thus an additional impression, hostile to the peace and union of the community, be propagated over regions stretching even beyond the vast territory of the colony.

Your memorialists therefore pray that any resolution to the effect above noticed may be carefully weighed by your Lordship, and considering how greatly the value of property is deteriorated by any doubt affecting the future advantages which the possession of it may offer, your memorialists would respectfully deprecate any measures which retain a matter so important in suspense; and, therefore, beg that your Lordship will, at an early date, favour them with such an answer as may dispel uneasiness they have been led to entertain, respecting the proceeding under consideration; and your memorialists will ever pray.

(Signed) H. Watson, St. Peter's Chambers, Cornhill  
 William John Greig  
 Forbes Still  
 Henry Quinn  
 Charles Horne  
 Robert Eagar  
 Wm. Dickson  
 Abraham Borradaile  
 Wm. Venning & Co.  
 J. V. V. Thomson

Francis Collison  
 L. H. Twentyman  
 Henry Rudd  
 P. Horne  
 Phillips, King & Co., Fowke's Building  
 John Perrot  
 James Adamson, D.D.  
 Edw. J. Jerram  
 J. P. Valentin.

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No. 186. —POLITICAL.

British Kaffraria, 7th Nov., 1851.

MY LORD,—In your Lordships's despatch, No. 589, of the 5th of March last, you observe, that "recent occurrences in British Kaffraria, and the effect that they have produced on the inhabitants within the frontier, tend to show, that the almost constant presence of the Governor at no great distance from the frontier is required for the maintenance of peace and good government,"



and that, when you consider at the same time, "the growing importance of Natal, of British Kaffraria, and of the Orange River Sovereignty," it appears to your Lordship, "that the time has come when the seat of government can no longer be kept in a position so far from central as Cape Town without extreme inconvenience."

To that despatch I replied on the 14th June, stating at some length my views on this important subject. In a second despatch, No. 657, of 14th July, in which the necessity of the removal of the seat of government is again strongly urged, your Lordship however remarks, "I am, however, sensible that there may be reasons of which I am not aware against the proposed measure, and objections to it which have not occurred to me."

2. Having, on the 24th of September, addressed a minute, of which the enclosed is a copy, to the Executive Council, calling upon it for that definite opinion, which would aid me in again submitting to your Lordship my views on a question of so much moment, I have now the honour to transmit a copy of the minute of Council in reply, with which were forwarded to me written individual opinions of the Honourable the Secretary to Government, the Treasurer-General, the Attorney-General, and the Collector of Customs, to which will be added that of the Auditor-General, which I have directed to be called for.

3. These opinions are conflicting, and render it the more imperative for me to express my own; which I have previously endeavoured to do in my despatch already referred to of the 14th June: and the more so, because I do not perceive that any argument is advanced calculated to induce me to swerve from the view I have already taken. The formation of the western and eastern districts into distinct governments, when the proper period shall arrive for doing so, its *separate Legislature* being given to each, and a Lieutenant-Governor placed at Graham's Town, while the seat of the supreme government remains at Cape Town, appears to me to be the course most expedient to adopt. I will endeavour to demonstrate its expediency by giving a few practical facts avoiding a show of special argument, containing probably little reasoning.

4. All governments being established for the benefit of the people, that which affords the greatest amount of happiness and prosperity to the many must necessarily be the best.

Hence, as Cape Town with its environs alone contains one-fifth of the population of the whole colony, and possesses the major part of its resources, it appears to be the best adapted for the seat of the supreme government which has been established there since the foundation of the colony by Holland in 1652,—all the institutions formed for the benefit of the colony at large, as well as the public offices, with their archives, and various appurtenances, being now fixed there, and which could not be removed, without much inconvenience and embarrassment, at a far greater expense than it would probably be considered advisable to incur. It is, at the same time, the great commercial city of Southern Africa.

5. It is true, and may be justly admitted into argument, that the Governor of this colony has, for the last few years, spent much of his time upon the frontier. So, however, do the Governors of all our extensive colonies. Turning to the mighty empire of India, yielding an annual revenue of twenty-three millions, we see that the Governor-General has been compelled by disturbances, not merely to absent himself temporarily from the seat of his supreme government, but that of late years he has been under the necessity of passing far more of his time on the north-western frontier than at Calcutta. Nevertheless, it has not been considered necessary or advisable to remove the seat of government from Calcutta, distant though it is from the advanced posts on the Indus, 1500 miles, with a border population hostile, and ready at any moment to break out; although the project has been more than once in agitation. Russia, again, affords an example. It has waged for a series of years an expensive war with the Circassians, but the necessary means are effectually collected, not by the authorities at St. Petersburg, though under their directions, but by the viceroy or hospidar of the Crimea. In

former times, when warfare raged so fiercely upon the English and Scottish borders, it was never contemplated, as a remedy, to move the seat of government to York. And the many disturbances in Ireland never affect the seat of government in England; the Irish Parliament having, on the contrary, been consolidated with the British in the most effectual mode, to insure a community of interests.

6. Recent occurrences, which are too fresh in your Lordship's memory to render it necessary for me to dwell on them, have led more immediately to the question of removal. It is advanced that the residence of the supreme government on the frontier would, in all probability, prevent the recurrence of disturbance and of devastating wars, and that, in the event of war, the resources of the colony could be there more readily applied. These assumptions I am not prepared to admit, and with respect to the second, I would draw your Lordship's attention, in support of my opinion, to the following important points bearing upon the question. When the present rebellion broke out, I was surrounded at Fort Cox, but my confidence in the means and resources of the colony to stem the torrent was not shaken, because I knew that the supreme government, being at Cape Town, and presiding with full authority over the most populous part of the colony, possessing its principal resources, could collect and forward those resources to me with the necessary energy, by means of steam navigation. This confidence was not misplaced. In less than one month I received two thousand levies from Cape Town, by steam, via the mouth of the Buffalo, and was, in consequence, able to maintain my position, to throw supplies into Forts Cox and White, and to re-establish the prestige of our arms, before the small number of 350 levies reached me from Graham's Town, though so close at hand. Matters would not have been altered by the presence of the supreme government at Graham's Town, had the rebels burst into the colony, as upon former occasions. It would have been almost hermetically sealed, and its powers completely paralysed, by the insurgents; and had the T'Slambie tribes revolted, I must have abandoned the outposts, and fallen back upon East London, to preserve the comparatively small force of Her Majesty's troops, while Major-General Somerset must have fallen back upon Graham's Town. With respect to Uitenhage, the result would have been the same, for so inaccessible is it when the dense bush in its vicinity is filled with marauders, that in times of frontier rebellion the supreme government would be of no more utility there than if established at Clanwilliam.

My lamented friend, Sir Benjamin D'Urban, named Uitenhage, it is true, as an eligible position. I was in the confidence of that amiable man and most judicious soldier and statesman, and his only cause of regret, as regards his administration, was his having erred in so doing.

7. It may be urged that a Lieutenant-Governor in Cape Town would have been equally able to rally round me the resources of the western districts. Such might have been the case, although I doubt it; but in the mean time the supreme government would have been shut up and useless in Graham's Town or elsewhere.

8. Although, therefore, the Governor has of late years, in his capacity as Commander-in-Chief, rather than that of Governor, been frequently called to this frontier, I hope I have succeeded in showing that the powers of the government can be better exerted in Cape Town in rendering available the numerous resources of the western districts. His separation from the members of the government would be of trifling importance, compared with the advantages I have enumerated.

9. Having thus shown the utility of a supreme government at Cape Town, with special reference to the suppression of rebellion, or meeting the exigencies of war upon the frontier, I will advert to advantages resulting from it of a more general character, in connection with the interests of England, and to which I alluded in my former despatch upon the subject. I cannot bring upon myself to regard the colony of the Cape otherwise than as an integral portion of the British

empire, forming the connecting link with India, China, Australasia, New Holland, and the numerous islands of the Eastern Archipelago. The defence of so important a position is of paramount consideration, and I must maintain that it can only be effectually insured by the presence at Cape Town—the great commercial emporium—of the supreme authority, which could then be in daily communication with the naval commander-in-chief, whose head quarters must necessarily continue to be Simon's Bay, affording a secure harbour, and amply supplied with buildings for naval stores, &c., in a perfect state of order. Every facility is, besides these, open to the Governor to communicate without delay with England, as well as with all the British possessions in the east, which he would not be able to do if placed upon the frontier, being necessarily in comparative ignorance of the arrival or departure of vessels.

10. In addition to the various reasons which I have thus advanced against removal, it should not be forgotten that the unanimous feeling of the inhabitants of Cape Town and the western province, forming so large a section of the community, is decidedly adverse to the measure, which would never be cordially admitted by them, but on the contrary be a bone of perpetual contention, and the source of continued bickerings between them and the government. Such a state of feeling must be most injurious to the general interests of the colony, and should be avoided, if possible.

11. Such being the numerous, and I believe, the cogent reasons which present themselves to my mind, I must unequivocally give my opinion, that the seat of the supreme government should remain where it now is; and having done so, I will proceed to state my views as to the mode best adapted for the rule of the eastern province.

I am aware that a separation of the eastern and western districts cannot take place until, on the assembling of the new Parliament in contemplation, such a measure may be recommended by the representatives of the colony.

This, however, need not prevent me from now expressing an opinion which is, that so soon as possible the eastern province should have a separate government, consisting of a Lieutenant-Governor, Council, and Representative Assembly acting on the spot, as do the subordinate governments of Nova Scotia and New Brunswick in relation to that of Canada. It is advanced that a Lieutenant-Governor on this frontier has heretofore completely failed. That such is the case I admit, but he was armed with no powers. He had neither Council nor Legislature, and referred everything to the Governor. In such a position, men of the most vigorous mind and intellect would have failed. The plan which I recommend is totally different. The Lieutenant-Governor of the Eastern Province, British Kaffraria, and the Orange River Sovereignty annexed to his rule, would be in a position, invested with the powers which I propose, to carry out any necessary measures as effectually and promptly as the Governor himself, while he would daily and gradually provide for the general tranquillity.

12. It is vainly imagined that a representative assembly and the freedom of the laws it is to enact, will provide a palladium against all the difficulties which at this moment assail the colony. Such illusive ideas must be banished. No law, however beneficial it may hereafter prove, can provide for anything of the kind. It would be lost upon savages, whose whole idea is that might is right, and that if they possess the one they can lay claim to the other. I freely and candidly admit that my opinion as to civilization and conversion to Christianity of the native tribes has undergone a complete change; the treacherous conduct of the Kafirs staggered me as to the correctness of my previous views. Still more so, the revolt of the Hottentot race, after the treatment they had received from this government, under which they possessed every right and privilege of the most favoured citizen, and owing to whose care they were provided with seminaries, schoolmasters, and ministers. The fact that these men quote the Holy Scripture, as the authority under which they aim at the destruction of

their former protectors, proves that the curly-headed man of colour is not to be abruptly reclaimed from his savage nature and propensities. Such a change in his character can only be effected after the lapse of many years and successive generations.

He must, in the meantime, be held in complete subjection by the irresistible power of the sword, while his children are brought gradually to understand the duties of social life, and to entertain a love for their neighbour, be he black or white,—although even this course has failed with the Hottentot. Far from provoking hostilities, the aim of the Imperial Government has been to civilize and convert, by every act of kindness and consideration, the rude tribes upon the frontier. The salutary effect of rule and order has been attempted for three successive years with great apparent success, and the province of British Kaffraria was flourishing and improving beyond even the most sanguine expectation. During this period, however, of seeming tranquillity, the chiefs were plotting mischief, and coalescing with the treacherous Hottentots, whom education appears to have only rendered ripe for any villany.

13. Hence, seeing that other means have failed, our future course must be the employment of an overwhelming power. Now is the time when a new order of things must be definitely established, and any future outbreak of the coloured classes effectually anticipated; and this can alone be ensured by military occupation. Mutual confidence would, no doubt, gradually result, and unity of feeling between white and black eventually prevail. The peace of British Kaffraria would be perpetuated, and the wide and very fertile territory extending from it eastward to Natal would be peopled by civilized man, and not by treacherous barbarians. To put this in train, the efforts of the British commandant and commissioner, and of the assistant commissioners, must mainly contribute. On their uncompromising justice and determined energy all depends.

14. The expenses attending the indispensable military occupation must be considered. The inhabitants of this colony are clamorous for the establishment of representative government, without, I think, keeping in view the taxation which must unavoidably ensue, in order to preserve, in their effective state, the various establishments, civil and military. They must not suppose that after they are provided with local self-government, they can continue to place the burden upon the treasury of the mother country, which it has hitherto borne. Laws must be passed to compel the colony to arm in self-defence in organized bodies, as was the case in England, especially in the years 1803-4 5, when 800,000 men were under arms to resist the threatened invasion of France, and more than double their number enrolled and ready to supply their places.

Let this bright example of the mother country inspire the inhabitants of the Cape with that energy which, I say it advisedly, has been wanting on the late occasion, when the war has been not merely a Kafir war, but one of the coloured races generally, upon the frontier, against the white. Without this energy of action, a representative government cannot expect to be the panacea for the existing evils.

15. In the event of the separation of governments, which I recommend, the western must contribute to the eastern its full proportion of the cost of making provision for frontier defence. The eastern colony has gradually sprung from the growth of the western, and the interests of both are common; although many men, blinded by the heat of politics and party, entertain a different view.

16. By way of epitome my opinion on this important question may be thus considered. The seat of the supreme government should remain, as now, at Cape Town. So soon as practicable, a separate Governor, with a Lieutenant-Governor, should be given to the Eastern Province, including British Kaffraria and the Orange River Territory. As the civil power is at once absorbed in the military when any territory becomes the seat of war, the Lieutenant-Governor must either be a general officer himself, or if not, a general officer be associated with him.

The coloured classes being subjugated so as to preclude all probability of future outbreak, the colonists should maintain, by their own means, the general protection, the western and the eastern districts mutually contributing to the expenditure, and the imperial government be thus relieved from the burden which the people of England have so nobly and so generously borne when appealed to by Her Majesty's Ministers.

I have, &c.,

(Signed) H. G. SMITH.

Enclosures.—His Excellency's Minute, 24th September, 1851.

2.—1st, 2nd, and 3rd Minutes of Executive Council.

[COPY.—MINUTE.]

King William's Town, 24th September, 1851.

The Hon'ble the Colonial Secretary will assemble the Executive Council, and will lay before it Earl Grey's despatch, No. 657, of the 14th July, and request its advice and decided opinion thereon—to enable me to reply to this despatch in a definite manner. There are two leading points for consideration.

1st. The expediency of removing the seat of government.

2nd. To what frontier town, if moved. It appears to me the farther advanced the better.

The Council will give, no doubt, every consideration to so important a question,—one which involves the first interests of this colony, present and future. The Hon'ble the Colonial Secretary will of course lay before the Council the whole of the correspondence which has taken place between Her Majesty's and this government, as well as all former correspondence, minutes, &c., between the Governor, the Colonial Secretary, and the Executive Council.

(Signed) H. G. SMITH

[COPY.—M. 30.]

Colonial Office, 22nd October, 1851.

The Executive Council met at 11 a.m., pursuant to adjournment.

PRESENT :—The four members now in Cape Town.

The subject of the last discussion is again resumed, namely, the removal of the seat of government, when the members read, severally, the following memorandum, expressing their opinions on this question, and the Council adjourns.

(Signed) CHARLES J. BOYLE,  
Clerk of the Councils.

[COPY.]

### MEMORANDUM.

Colonial Office, Cape Town, 22nd October, 1851.

1. I have carefully considered the Governor's minute, dated King William's Town, the 24th of September, 1851, and Earl Grey's despatch therein referred to, No. 657, 14th July last, on which the Governor requests the decided opinion of the Executive Council.

2. That minute indicates two leading points for consideration, viz.: "First, the expediency of removing the seat of government; and, secondly, To what frontier town, if moved? I therefore arrange in this order the observations I have to make in giving my opinion.



3. Her Majesty's government appears to have decided that the eastern province of the Cape colony shall not, for the present at least, be separated from or be subordinate to the government of the western province, but that the two provinces shall continue one undivided colony, under the government of one Governor, who will be responsible only to Her Majesty, and to the British Parliament for the measures he may adopt, and who will, at the same time, be Governor for the whole of Her Majesty's possessions in South Africa, and from whom will emanate the general policy to be observed (under the orders of Her Majesty's government), for securing the peace and good government of the territory as a whole. I accordingly understand the term "the seat of government" to be applicable to the place where such government shall be located, and therefore I cannot, under this view, and with the conviction that the peace of the colony is involved, hesitate to record my opinion that the location of such seat of government, under the increasing difficulties of border policy, is inevitably required to be on or near to the north-eastern frontier of the Cape colony.

4. My reasons for this opinion are founded upon general considerations, affecting the whole territory, and without reference to the interests of any particular locality; and these considerations appear to me to urge themselves by the force of necessity as well as of convenience.

5. I conceive that the really permanent difficulties of the Cape government consist solely in its border policy with relation to the native tribes on and around the extensive frontier; and that these alone invest the question as to the locality of the seat of government with any importance. In short, that the internal administration of the colony must be subservient to that for preventing and suppressing hostilities on the border, and that there can be no compromise between them.

6. In confirmation of this view, I need only allude to past events to prove that whenever complication or difficulty has occurred on the frontier, the Governor has invariably and immediately proceeded there from Cape Town, leaving the administration of the western province to the Executive Council.

Within my own experience as Secretary to Government here, the Governor has been eight times to the frontier in the course of eight years and a half; and has already been detained for years out of that period on the frontier upon matters of border policy. Two insurrections of the emigrant boers have called him twice to the Orange River frontier. The Kafir war of 1846 and 1847 required his almost constant presence, during those years, on the north-eastern frontier, and the present Kafir war and Hottentot rebellion have now employed him there for nearly twelve months, without any prospect, that I can perceive, of his being enabled, by their termination to return to the seat of government at Cape Town.

7. Her Majesty's government standing, as it does, publicly pledged to the protection of the settlers on the frontier, a large body of whom emigrated under the auspices of the British government in the year 1820, and thereby incurring large responsibilities and heavy expenses, I conceive it to be both right and reasonable that the Governor, who alone can direct the general policy of the colony, and who alone can authorize the employment of the forces provided by Her Majesty for its peace and safety, should he please, at whatever locality the general government of the colony can be administered with the greatest efficiency. The interest of the Cape colony is, I believe, in this respect identical with that of the mother country, inasmuch as the security of the frontier is the security of the whole colony; and, looking to the ruin which has attended the frequent border wars into which the colony has been plunged, I am of opinion that the best interests of the colony, as well as those of England, now require the Governor and the seat of Government to be placed on the frontier, whenever the Governor and the Government can most successfully cope with the difficulties of this border policy.

8. I can see no other means by which the relations with the border tribes can be effectually watched and controlled, nor any other prospect of placing them on an improved footing as opportunities offer: and if this necessity has been greatly augmented by the present Kafir war, and by the existing defection of

almost all the coloured classes from Colesberg to the sea, and from Algoa Bay to Natal, believing, as I do, that few of that immense class are friendly to us, the war which has lately broken out in the Sovereignty has still further augmented it, and is an event calling for the most serious consideration. It is the first war the natives there have waged against British authority, but it assuredly will not be the last, if the government of that territory is virtually to be continued at Cape Town; and, moreover, this necessity has been still further augmented by the consideration that there does not appear to be any prospect of any extensive or appreciable assistance from the western districts, in furnishing burgher forces to co-operate with Her Majesty's troops in the defence of the eastern frontier upon any future emergency.

At no previous period in the history of the colony has greater need of such assistance been required and felt than at the commencement of the present war; and yet, such was the influence of the ill-judged advice to the inhabitants of the western districts to decline it, that every effort of the Governor and Commander-in-Chief to obtain it, in the defence of the frontier, has wholly failed.

9. For these general reasons, I am of opinion that so long as Her Majesty's possessions in South Africa are confided to the government of a single Governor, it is expedient that the seat of government should be located on, or near to the eastern frontier.

10. I do not think the general expediency of the measure is affected by any of the minor objections, however true and forcible in themselves, which I have heard urged against it. The apprehended depreciation of property in the western districts, and the prospect of an increase in the value of property in any place and neighbourhood which may be selected as the seat of government, are not, in my opinion, proper elements in the consideration of this question.

11. The naval and military defences of the present capital, in case of a foreign European war, appear to me independent of the position of the chief civil authority; nor can I perceive that the constant absence of the head of the government from Cape Town can, in any future war, in any way operate to prevent the supplies of men and provisions from being obtained, as heretofore, from the western districts, seeing that they have invariably been obtained during his occasional absence on the frontier by the executive officers in Cape Town, and as speedily transmitted to the seat of war, as if the Governor himself had been at Cape Town.

12. I admit, to the fullest extent claimed for them, the inconveniences, to the western districts in general, and to Cape Town in particular, of removing the Supreme Court, and certain public offices, connected with the executive government and the administration of justice, from Cape Town; but they have no influence on my mind when I contrast with them the unqualified evils of an insecure or hostile frontier. I feel persuaded that many of those inconveniences can be mitigated by the establishment of a branch of the Supreme Court in Cape Town, and by affording greater facilities for managing the land registry of the colony, and for transacting the details in general of public business.

13. And since it is obvious that, for many years to come, the unremitting and steady direction of our frontier policy must devolve on the head of the government, I do not consider that the question of the ultimate separation of the Cape colony into two separate governments will be at all affected by the locality which may now be selected for the seat of the chief or supreme government of the South African possessions as a whole.

14. If, however, separate governments for the eastern and western provinces should not hereafter be resolved upon, and should the Governor of the colony be located in the frontier districts, I conceive that a Lieut.-Governor, with all proper officers, and an Executive Council, should be resident in Cape Town, with very ample powers to decide, without previous reference to the Governor, in all matters not affecting the general policy of the government; so that the administration may be as sufficient and speedy as practicable. And I

conceive that such a resident government would be efficient for such purposes in Cape Town, where the larger powers vested in the Governor alone, for deciding on and directing war and border policy, will not be called into action.

That the resident government of a somewhat similar nature formerly established, and which was for several years maintained, in the eastern districts, proved powerless and useless, I attribute to its not having possessed, as indeed it could not possibly possess, the requisite authority for deciding and acting on war and border policy, without reference to the Governor in Cape Town. The causes of its failure would not attach to a subordinate government of the same kind, resident at Cape Town, charged with the administration of matters upon which no such references need be required for the western districts.

15. So far as the peace and good government of the two provinces is concerned, that question has become, for the eastern province, one of existence, involving the maintenance or abandonment of a large extent of occupied land in those districts. I am assured upon good authority, that the determination to abandon their farms has already been made by very many extensive proprietors, unless they obtained the protection of the authority and power of the head of the government permanently in the eastern province. They have learned that border wars and their attendant evils cannot be suppressed in the absence from that province of the head of the government; and they believe that those wars would have been arrested if the chief authority had resided constantly there, to watch over and protect them.

16. On the other hand, the question as regards the peace and general government of the western province involves only a little more or less speedy and direct administration in affairs of comparatively minor importance; the extent of the inconvenience amounting merely to that which must necessarily attach to increased distance from the capital.

17. In regard to the bearing which the new constitution and future parliament promised to the colony by Her Majesty may have, or be supposed to have, on this question, I cannot regard the measure of constituting the chief seat of government of the Cape colony, and Her Majesty's South African possessions generally, on the north-eastern frontier (if it shall be so decided), as any reason whatever why the promised constitution should be withheld or delayed.

18. I have no apprehensions that the future parliament will present any permanent obstacles to a measure in which the peace and good government of the colony, as a whole, is involved. Some temporary opposition may perhaps, in the first instance, be maintained by local interests, or for factious purposes; but I believe that these will subside, upon matured deliberation, before more exalted and more extended views.

I am assured that there are possessors of fixed properties in Cape Town who declined to sign a recent petition to Her Majesty against the removal of the seat of government, on the ground that the claims of justice and humanity towards the suffering inhabitants of the eastern districts call imperatively for the establishment of the seat of government on the frontier.

19. Moreover, I conceive that the more intelligent of all classes who may be supposed to be interested in maintaining a contrary policy will not, when the necessity of this measure has been considered, fail to perceive that the wealthy commerce and exchange of commodities, upon the value of which property in general depends, cannot co-exist with a perpetually disturbed state of the frontier districts.

20. The increasing evils to which the frontier has now become a prey cannot long remain confined to their present locality; but must, unless firmly and decisively checked, extend from time to time towards those parts of the colony which have been hitherto free from the desolations of war, and undoubtedly affect the interests of Cape Town itself.

Should the proprietors of the farms on the borders of the colony be compelled to abandon their properties, from the absence of due measures for their protection, the scene of war will, it is certain, be thereby brought so much the

nearer, and the tide of desolation sweep fresh districts with the same result, until self-defence will become paramount to all other considerations. Self-interest alone, duly considered, will, in my opinion, ultimately reconcile all classes to measures imperatively necessary for the general prosperity of the colony.

21. I believe, moreover, that public opinion, both in the colony and in England, will prevail over local interests, and compel their sacrifice to the peace and safety of the border,—and that a very short experience will justify the change, and convince those who may in the first instance be disposed to oppose it, that by the increase of general prosperity they will ultimately be the gainers; but if it should be otherwise, the entertainment of limited and selfish views would, in due time, bring their own condemnation; and I cannot advise that any apprehension of an opposition, which is conceived to be unreasonable and improper, should be suffered to prevent the adoption of just and necessary measures.

22. But I have no apprehension of any permanent opposition. I cannot suppose that the western inhabitants, who know that the peace and welfare of the colony depend on a secure border, will seriously contend against the measure when they learn how our South African possessions are to be governed. I cannot suppose that they will hesitate to sacrifice a little dispatch in the public business (for I believe that will ultimately be found to be their only sacrifice) to obtain peace and prosperity through a quiet frontier. I cannot suppose that they will be unmindful of the inconvenience and loss they must suffer by the absence of the Governor, one half of his time on the frontier, when the Parliament in Cape Town will be comparatively useless. I cannot suppose they will not bear in mind that the Governor and Parliament, acting permanently together on the frontier, will have more power for the general good, and obtain more willing and effective co-operation from the eastern province, towards preventing or suppressing border troubles, than can be hoped for by a Governor on the border, separated from the Parliament in Cape Town,—with the neglected population of the eastern province, greatly irritated against their government, adding discord and obstructions to war and rapine. Nor can I suppose that if there were a majority in Parliament on the western interests, they would endorse their own and their country's unfitness for free institutions, by using the power of that majority so unjustly to oppress and destroy their eastern brethren,—it being unquestionable that to deny them there the presence and the power of the head of the government is virtually to deny them the only government competent to deal with their necessities.

23. But whatever the obstacles and difficulties attending the change may be, I cannot regard them as permanent in the administration of the government, nor in the operation of free institutions,—and I should look confidently to their disappearing if the measure, when decided upon, be carried out with judgment and firmness. I therefore cannot discover, by the introduction of free institutions, any arguments against the opinion I have now given.

24. Upon the second point upon which the opinion of the Council is requested, I am not now prepared to express myself so decidedly, because I conceive the selection of the locality for the seat of government, if removed, must necessarily, in some respects, be governed by the future line of policy Her Majesty's Government may adopt, upon the restoration of peace, towards the native tribes now in hostilities against Her Majesty's authority. I am, however, decidedly of opinion that it ought not to be fixed anywhere to the westward of Graham's Town; and I am also of opinion that the final decision upon this point had better await the result of a few years' experience of that policy. This can be done without inconvenience or expense, by fixing upon Graham's Town, in the interim, for the seat of government,—there being so many commodious public buildings there, which, not being any longer required for the military uses for which they were erected, might be temporarily appropriated to civil uses. I am therefore of opinion, that if the seat of government be removed from Cape Town, it should, in the first instance, be located at Graham's Town.

(Signed)

JOHN MONTAGU.

## MEMORANDUM.

[COPY.]

Treasury, 22d October, 1851.

The members of the Executive Council, in a minute on the 5th June last, stated to His Excellency the Governor their unanimous opinion that a local government on the frontier would seem to be inevitable; and His Excellency having subsequently, by a minute, dated 24th ultimo, referring to Earl Grey's despatch of the 14th July last, required the advice and decided opinion of the members of the Executive Council, to enable him to reply to His Lordship in a definite manner on the two following points, viz.:—First, The expediency of removing the seat of government from Cape Town; and, secondly, The frontier town at which, if removed, it should be established, which His Excellency states he considers the further advanced, the better;—I have now to state that, when the subject was under consideration in June, and the Governor had then been six months absent from Cape Town, with every appearance of further detention, by the disorganised state of the border, I was firmly impressed, by the then state of affairs, with the necessity of providing a resident government at some place more central and convenient for the administration of the affairs of the frontier, and its defence, than Cape Town; and this necessity has been rendered infinitely more evident by the events of the subsequent five months, and it will continue and increase so long as the government, civil and military, of British Kaffraria, and the Orange River Sovereignty, and, to a certain degree, that of Natal, shall, as at present, be united to that of the government of the colony of the Cape of Good Hope, under the administration of one and the same person. The fact, indeed, of the necessity which has existed during the last eight years for the presence and residence of the Governor on the frontier,—the two last and the present Governors having had occasion to devote one half of their time to the direction, on the spot, of frontier affairs and defence, is conclusive proof,—and, to my mind, seeing the little probability of an amicable relation with the natives being re-established, or the war brought to a conclusion, decides the abstract question that the seat of government should be removed, as suggested, and for the reasons set forth in Earl Grey's despatch, now under reference.

The second question, as to the place at which the government should be fixed, is important: In the first instance, probably, or at least during the operations of war, should the change be found necessary before its termination, Graham's Town would appear to be the best suited, as possessing the buildings and accommodation required for public offices, stores, &c.; but for a permanent seat of government, its geographical position and local qualifications, such as supply of water and fuel, &c., do not appear to me to be fitting; and, although I must feel the weight of His Excellency's opinion, that the further the seat of Government may be advanced the better, I am much disposed to prefer Uitenhage, for the combined purposes of civil and military administration.

The effect which the intended change of constitution, by the introduction of a representative Council and Assembly, under the Letters Patent of May, 1850, might have on this question, and the proper time for carrying out any changes, if decided on, has been alluded to in the discussions of the members of the Executive Council; but I do not think it is necessary at present to connect the consideration of the two points referred by the Governor with the nature of the government which may then or hereafter be in existence, or to apply to it any questions of future legislation which are not now referred to us.

I regret that the discussion should have occurred, though unavoidable, at the present juncture, when the Legislative Council has been so recently re-established, by the appointment, under the Governor's order, in the minute dated 2d September last, of four unofficial members from the western division, with the express declaration that the Council should assemble in Cape Town, and its session commenced on the 10th instant. This circumstance would seem virtually to preclude



the adoption of any measure involving the removal of the Legislative Council from Cape Town, during the occupancy of seats by the lately-appointed unofficial members.

In offering the foregoing opinion as to the removal of the seat of government, I have not overlooked the very serious consequences which must result to the inhabitants of Cape Town and the western division, by the probable depreciation of property, and the capital invested therein, or the importance and value of the commerce and mercantile transactions of Table Bay; but I feel that the safety and security of the whole are the paramount object, and will fairly claim, and I trust receive, a partial and temporary sacrifice from local and individual interests, which should and must be considered as soon as possible, and can probably only be redressed by the establishment of a subordinate or some government in Cape Town, with a legislature, and the necessary offices and departments, as proposed by Sir Henry Pottinger, in the event, as proposed by him, of separate governments, which would be the most just and equitable manner of providing for the government of the whole colony, while the sufferings and losses of the settlers and inhabitants of the frontier, who are especially entitled to the care and attention of the local government, require immediate protection and relief.

(Signed) HARRY RIVERS,  
Treasurer-General.

#### MEMORANDUM.

1. The matter submitted by His Excellency the Governor to the members of the Executive Council involves two questions which, though wholly separable from each other, are frequently spoken of as one. The first, and most important of these questions, is, "Ought the seat of government to be removed to some place to the eastward?" And the second, and more subordinate of these questions, is, "Ought Graham's Town to be the place to the eastward to which the seat of government should be removed?"

2. It seems necessary that we should, in the outset, settle what is meant by the "Removal of the seat of government." And its meaning may, I presume, be pretty fairly illustrated by saying, that if the seat of government were now removed from Cape Town to Graham's Town, the consequences would be that Cape Town would, after the removal, possess the same sort of public offices as those which now exist in Graham's Town, and none other, and that Graham's Town would then possess public offices of the same sort as those which now exist in Cape Town. To remove the Governor and those high officers of government who, as such, form the Executive Council, is usually, but incorrectly, regarded as removing the seat of government. But the removal of these functionaries with their several departments is only a part, and that by no means the most important part, of that which must remove at the same time. The legislature of the colony must be removed. It could not meet at any place other than that in which the public offices exist, without occasioning inconveniences far greater, in regard to this colony, than those which at home have so often defeated the project of holding occasional parliaments in Dublin and in Edinburgh. Then the Supreme Court must be taken away from Cape Town, and periodical circuits to the western districts substituted in its place, unless we are prepared to depart from all previous practice, and, indeed, from all sound principle, by placing the Supreme Court at a distance from all the other important establishments of the colony. And it is conceived that other public offices, besides those directly connected with the executive government and the administration of justice, must also remove. Of those other public offices, the most important are perhaps the deeds registry office and the orphan chamber branch of the Master's office. From an intimate acquaintance with the working of both those departments, I feel warranted in saying that neither of them can be efficiently carried on in any

place but that in which the supreme executive and judicial authorities are constantly on the spot. To the removals already spoken of, must be added the surveyor-general's department, and the office of the distributor of stamps.

3. From the preceding statement, brief and imperfect as it is, of what is involved in a removal of the seat of government, some faint idea may be formed of the extent and importance of the question. It is, in fact, a question which comes home to the business and bosom of every man. When we reflect upon the numberless occasions which arise requiring resort to the Governor, or to some chief officer of government,—upon the variety and importance of the questions which incessantly demand the interference of the judges of the colony, in court or chamber,—upon the fact that no alienations or hypothecations of landed property can be made, nor any preferent debts constituted, except in the office of the registrar of deeds,—and upon the convenience of having on the spot the office of the Master of the Supreme Court, in which is conducted all that large amount of business which is created by deaths and bankruptcies, we must be satisfied that the removal of the seat of government is, indeed, a serious question.

4. This question of removal will, I conceive, inevitably become embarrassed unless we keep clearly and constantly in mind that it is to be regarded in two distinct aspects. It is one thing to fix upon a seat of government with reference to the internal administration of the colony, and without any reference to hostilities beyond the border. It is another thing to fix upon a seat of government with reference to hostilities beyond the border, and without any reference to the internal administration of the colony. Could any seat of government be fixed upon which might combine the advantages of being, at once, the most suitable both for internal and external purpose, the government ought, of course, to be placed in that seat. But to me, it appears, that those opposite advantages can never, in this colony, be completely reconciled, and that nothing is left us but a compromise between them.

5. Did an impassable frontier wall run right along our boundary line, so that we ceased to have any concern with blacks or boers beyond it, it may, I think, be asserted with safety, that Cape Town ought, without a doubt, to be the seat of government. It has, in its favour, old prestige and long prescription. It contains about one-fifth our whole colonial population. There is collected in it, and about it, more than an equal proportion of the property of the colony. In the minute of the members of the Executive Council, addressed to Sir Henry Pottinger on the 5th June, 1847,—an extract from which is appended to Mr. Montagu's first memorandum on representative institutions,—it is stated that the value of the fixed property of the Cape division alone exceeds the value of the whole of the fixed property of the eastern districts put together. Cape Town is not, indeed, geographically speaking, the centre of the colony. But though not geographically central, it is, for practical purposes, the seat of government most convenient to the greatest number of the colonists. "The seat of a supreme government," as was observed in the minute just referred to, "is generally found to be that which the industrial economy of the country and its natural capabilities have made the chief resort of trade and capital, without regard to geographical position." But I need not press this point. The wants and wishes of so great a majority of the people and the property of the colony point so clearly to Cape Town as the proper seat of government, that, were purposes of internal administration to be alone consulted, no idea of removing the seat of government from Cape Town would have been ever entertained. It is only in reference to a seat of government, not for the purposes of internal administration, but for the purposes of British Kaffraria and the Orange River Sovereignty,—that a removal of the seat of government could be rationally recommended; and accordingly, it is with reference to those purposes that Earl Grey perceives the necessity of a change.

6. It is unhesitatingly admitted—(it would be sheer effrontery to deny)—that so long as Great Britain is called upon to protect, at great expense, the frontier

of this colony, so long as Great Britain is entitled to call upon the colonists to contribute, by some corresponding sacrifices, to their own defence. If the colony will secure the mother country from all demands upon her troops and treasure, by providing effectually for its own defence, then the colonists would seem to be fully entitled to preserve their chosen and cherished seat of government. But if the mother country be required to send, from time to time, vast amounts of men and money, in order to save the colony from destruction, no reasonable man can question the right of the mother country to have a voice potential in the selection of such a seat of government as shall best tend to the preservation of peace, so long as peace can be preserved, and the prosecution of war, should war become inevitable.

7. It is notorious that much difference of opinion exists amongst intelligent and impartial men regarding the comparative advantages, for purely military purposes, of a seat of government in Cape Town, and a seat of government at the scene of war. It is urged by the advocates of Cape Town, that, paradoxical as it may seem, experience has proved that, being upon the spot is no security for early or accurate information regarding native plans or projects. It is alleged, by the same parties, that a government in Graham's Town might readily be isolated by a sudden and well-directed incursion of an enemy. It is further maintained that the influence of a government, in Cape Town, will always be able to send from Table Bay, to East London, supplies, both of men and provisions, collected in the western divisions, where alone they are to be had, in an abundance, and with a despatch, which could never be commanded were the seat of government in Graham's Town. It is insisted that, in time of war, the commander-in-chief can go in less time from Simon's Bay to Buffalo Mouth, than he could go from Graham's Town to King William's Town. And so widely do these views extend, and so firmly rooted is the conviction that Cape Town is, for every purpose, whether of war or peace, the proper seat of government for the colony, that, in my opinion, the colonists at large, if ever so necessitated and prepared to undertake the entire burthen of their own defence, would still, in spite of that, if not because of that, vote by a great majority against removal.

8. I am however bound to say that I should not entirely concur with this majority. To me it seems self-evident that if the Governor of the Cape is to be also the Governor of Kafirland, he will stand a better chance of keeping the Kafirs quiet, when he, with his councillors and the parliament, are all close to the Kafirs, than when the seat of government is distant from this dangerous and fickle people some six or seven hundred miles. I would draw a distinction between the seat of government proper for prosecuting a war already broken out, and the seat of government proper for preventing the breaking out of a war. When a war has actually once broken out upon the border, I am disposed to think that the most serviceable seat for the civil government is Cape Town. But prevention is always better than cure; and I cannot but think that to place all the legislative and executive authorities, or in other words, the seat of government, on the frontier, must powerfully tend to establish and conduct such a system of border policy as would serve to prevent the recurrence of those disastrous outbreaks amongst the native tribes, which entail such loss of life and property upon our border colonists, and such a heavy outlay upon the mother country. Taking this view of the subject, and looking to the fact that we have now had two harassing and costly Kafir wars within the short space of four years, I am prepared to admit that the time for establishing some resident government upon the frontier had fully come, when Earl Grey was led to announce those opinions upon the subject, which, coming from such a quarter, would, under much less urgent circumstances, have rendered the establishment of such a government inevitable.

9. This resident government upon the frontier may, however, be established without removing the seat of government from Cape Town. It may be effected by the separation into two governments of a colony now somewhat overgrown; and after weighing maturely the various considerations bearing upon the question,

I am of opinion that it will be a safer and sounder policy to divide the colony into two separate governments, the seat of one of which shall be Cape Town, and the seat of the other of which shall (at least for a time) be Graham's Town, than to preserve the colony entire, and to remove the seat of government to Graham's Town from Cape Town. The grounds of this opinion I am now to give.

10. Were the existing constitution of the colony destined to be permanent, I should still respectfully question the justice or expediency of preferring to remove the seat of government rather than to separate the provinces. The heart's desire and prayer of the great mass of the wealth and population of the colony should not be rejected, unless upon the strongest need. If, indeed, the great mass of the wealth and population of the colony were found attempting to wrest the seat of government from some ancient, but less powerful, place that had hitherto possessed it, I should be little disposed to aid them. But when the great mass of the wealth and population of the colony merely ask that the ancient seat of government may not be changed, to their great loss and discontent, I confess I cannot but regard the appeal as reasonable, and feel anxious that some middle course may be devised, which shall give to the frontier a resident government, and, at the same time, leave its resident government to the western province. The owners of property in Cape Town and the adjoining districts have paid for that property prices much higher than they would have paid, but that Cape Town was the seat of government. The owners of property in Graham's Town and the adjoining districts have paid for that property prices much lower than they would have paid had Graham's Town been the seat of government. You cannot, without injustice, invert the condition of these men, unless upon some plain and palpable public necessity. And until it is proved that the scheme of separation is impracticable, no plain or palpable necessity can be considered to exist so as to justify the measure of removal. Views of this nature are cherished by men of the most opposite opinions upon most other questions. A strong moderate party has appeared, who are sick of the social despotism which a few factious men, working on a great many foolish men, had succeeded in establishing. This moderate party is grateful to Her Majesty's Government for the promise of representative institutions, and for the succours which have been so generously afforded to the colony at the present crisis. It is owing to this moderate party that the Legislative Council has been completed for a session in Cape Town,—and that upon its first day of meeting, a large number of our fellow-citizens assembled in the Council Chamber, to protect the new members from insult or annoyance. I cannot disguise my apprehensions, that, if the seat of government be removed from Cape Town, this moderate party will become extinct. No unofficial member from the western divisions would ever, in my opinion, accept or retain a seat in Council which was to sit in Graham's Town. Still, were the existing constitution of the Council to be continued, the government in Graham's Town might yet be carried on. The total disfranchisement of the western districts, and the utter dissolution of the moderate party already spoken of, would, under any form of legislation, be serious evils. But with unofficial members from Graham's Town, these evils might be disregarded, and the machinery of government be still kept in play.

11. But whilst I write, we are in hourly expectation of the mail steamer, bringing out the draft ordinances for establishing a parliament. And how the Queen's government is to be carried on in Graham's Town, in connection with a parliament, I am, I confess, wholly unable to conceive. If the representatives of the western districts attended, they would only do so to act with the members for Colesberg and Graaff-Reinet, and perhaps other eastern districts too, as an indignant majority, determined to obstruct every measure of the government. If, as appears to me more probable, the western districts would either choose no members, or choose as members, ministers of state in England, or, it might be, colonial agitators, who meant to use their membership merely to add weight to their agitation,—I should expect to find that every species of resistance, within

the limits of the law, would be offered throughout the western districts to every act of the eastern parliament. I should fail in my duty, did I shrink from declaring my convictions upon this important point. With a nominated legislature for the whole colony, the seat of government might, in my opinion, though not without difficulty, be removed to Graham's Town. But with a representative legislature for the whole colony, I see nothing but discord, alienation, and weakness, as the probable results of such a measure. A law for regulating, rewarding, and enforcing burgher service, would, not improbably, be passed by a colonial parliament meeting in Cape Town. But such a law passed in Graham's Town by a parliament of frontier members would, in the western districts, be a mere dead letter. I am unwilling to pursue this topic. Suffice it to say, that it is not easy to set bounds to what may be effected in such a population as ours by combination and passive resistance, if once the minds of the country people become possessed with the idea that they are treated with injustice.

12. This state of things could not continue; and the happiest issue that could, in my opinion, be looked for from the struggle which would inevitably take place were the seat of government to be removed at the moment, or on the eve, of the assembling of a parliament, would be a separation between the provinces. But a separation effected at Graham's Town, after the removal, would be effected in hatred and ill-will, and possibly with injustice, whilst a separation effected at Cape Town, without removal, might be effected in a spirit of peace and conciliation, and upon fair terms. It may be said that a parliament in Cape Town would not grant separation to the eastern districts, or would so higggle about the terms as to defeat the plan. I am not of this opinion; but even if the parliament in Cape Town should refuse to grant separation upon fair terms, then a special sitting might be called somewhere else, or, what would be still better, the interference of the imperial legislature might be respectfully invoked.

13. Whilst expressing my opinion that separation of the provinces is preferable to the removal of the seat of government, I am not blind to the many inconveniences which separation must entail. The balance of races and colours throughout the colony would certainly be better preserved in its entirety. The cost of duplicate establishments in each province must lead to additional, and, in comparison with the present system, unnecessary expenditure. Colonial improvements may be retarded by a want of harmony in action and of uniformity in design. Whether each province should, as a distinct possession, retain its own customs duties, or whether some other principle of division should be applied, will require consideration; and as the eastern province will practically be a wall of defence to the western province, the proportion in which the revenue of the western province should contribute to the cost of protective arrangements upon and beyond the borders of the eastern province will present a difficulty, which nothing but good-feeling and the spirit of fair-play can ever overcome. And to all this may be added the fact that, to separate must be, to some extent, to destroy sympathy. These, undoubtedly are evils; and to remove the seat of government, instead of separating the provinces, seems to avoid these evils. But if the colonial parliament meeting in Graham's Town, would not carry on the public business, we should only avoid those evils by encountering evils greater still, whilst if the colonial parliament meeting in Graham's Town did, contrary to my anticipation, consent to work, by what means could we repress, in regard to every vote for frontier purposes, a yet greater degree of zealous feeling than that which, it is now objected, will, in Cape Town, prevent the adjustment of fair and satisfactory terms of separation? Could fair and satisfactory terms of separation have been adjusted prior to the introduction into the separate provinces of representative institutions (modelled perhaps, in each province, according to its local circumstances), I for one should have been glad. Men very frequently accept without a murmur terms prescribed to them, whilst they will wrangle most obstinately about the same terms when the settlement of the matter is left to themselves. I am, however, aware of the expressed determination of Her



Majesty's Government upon this point; and can perceive reasons, of which the legal difficulty presented by the letters patent of May, 1850, is not, in my mind, the most important, why the question of separation should, in the first instance, be dealt with by the Cape parliament itself. What I humbly contend for is, that the Cape parliament, by which this question is, in the first instance, to be dealt with, ought to meet in Cape Town. Should western representatives resort to Graham's Town at all, it would only be to obstruct business, clamour for a removal, and obtain separation. But if separation must come, as I think it must, in case the new parliament be summoned to meet in Graham's Town, is it not better, to unsettle no foundations, to summon the parliament to meet in Cape Town, and there throw whatever weight the government possess into the scale of those who support separation upon equitable principles?

14. There arises here a point upon which I am desirous that my meaning should not be misconceived. There are persons in the colony who entertain high notions of the supposed omnipotence of this new parliament, and who think that, from its judgment, on the separation question, there can be no appeal. I differ from those persons. They say, and say truly, that a large majority of the members of the new parliament, and a far larger majority of the electors of the new parliament, would vote for Cape Town in preference to Graham's Town. They further say that, as the old metropolis would be again chosen by a fresh election, the first parliament should be summoned to that in the old metropolis. There, again, I entirely concur. But then they say that though this parliament should by a majority either reject altogether the proposal of a separation, or, what would come pretty much to the same thing, should, by a majority, reject all fair and reasonable terms of a separation, no external authority would have any right to interfere. From this opinion I dissent. Were the Cape an independent state, and not a colony of Great Britain, and were the Cape a self-defending country, and not a country defended by Great Britain, I should of course concede to the Cape parliament all the rights of a supreme government, amongst which rights must be reckoned the right to deal as it pleased with all its own internal affairs. But I regard as most just and rightful the interference of a mother country, in at least two cases,—first, when any of her settlements has grown so large as to require subdivision into separate governments, and secondly, when, in order to save the blood and treasure of the mother country, it has become necessary to place, upon a dangerous frontier, a strictly local government. All that the majority of the colonists collected at and around the primitive seats of settlement can reasonably expect is, that the mother country, whilst securing self-government to such of the remote districts as desire it (and can pay for it), and whilst providing a frontier government for carrying out the frontier policy, will never, without stern necessity, change old customs, disregard what are felt to be vested rights, and at the very moment when she is arming the majority with unprecedented power, cause more heart-burning and discontent, than the freest constitution that was ever framed will be able to cure.

15. In the course of the protracted conferences which the members of the Executive Council have had upon the question of the removal,—it was thrown out that, whilst the Governor-in-chief was required to be upon the frontier, a Lieutenant-Governor might be resident in Cape Town. I confess, I scarcely see how a Lieutenant-Governor far away from the legislature (and that legislature a popular legislature), and far away from the supreme executive government,—and from the supreme court,—could exercise any real powers, or serve any useful purpose. The former Lieutenant-Governorship of the eastern districts was felt by all to be a total failure, and by the frontier colonists was looked upon as a mere farce. If, on the other hand, you surround the Lieutenant-Governor of the western districts with the establishments necessary to his efficiency,—a legislature—an executive council formed of superior officers, a permanent court of justice, and other matters of the like nature, the result will be, not that you will have effected a removal of the seat of government, but that you will have

given an obnoxious name to what is virtually separation, and made an unimportant, but irritating, change in the title of the officer administering the government of the western provinces.

16. In considering this subject, I have drawn no sort of distinction between the inhabitants of the one end of the colony and the inhabitants of the other end. I am content to think that they all equally deserve, what they all equally receive, Her Majesty's gracious favour and protection. If in any quarter of the colony, east or west, a bad spirit should display itself, presenting an impediment to the working of the government at its usual seat, I think that the government should forthwith quit its usual seat. I will not conceal my opinion that there have, within the last two years, been occurrences in Cape Town which might well have justified the government in going to Graham's Town. And independently altogether of those occurrences,—the condition of the frontier at this moment is such, that I should have been glad, had circumstances permitted it, if the present session of the Legislative Council had, as a temporary measure, been held in Graham's Town. But to hold a special council or a special parliament in a particular place is one thing, and permanently to remove the seat of government is another. It is to this permanent removal that I have restricted my attention, and in deliberating upon it, I have looked alone to permanent considerations. If there be impediments to government in Cape Town this year, there might be impediments to government in Graham's Town the next. It is only from recent, and to some extent accidental, causes that a feeling has arisen, that the people of the frontier, as a community, are more easily governed than the people at this end of the colony. The fact is, that both classes have respectively their excellencies and their defects,—that the feelings of both towards the government are very much influenced by passing events, and that in reference to permanent plans of administration, it will be wise to give to both equal credit for loyalty and love of order.

17. For the reasons which I have attempted to give, I am humbly of opinion :—1st. That the seat of government ought not to be removed from Cape Town to any other place, unless with advice and consent of the now expected parliament. 2ndly. That should the now expected parliament reject, as probably it will reject, the project of removal, fair terms of separation (if separation be desired by the eastern members), should be drawn up and proposed. 3rdly. That should the now expected parliament refuse fair terms of separation, the interposition of the British legislature should be sought for to adjust all differences and set at rest by its authority every dispute.

18. If, however, contrary to the opinions which I have felt it my duty to express, but in accordance with the opinions of much abler men,—the seat of government, for the whole colony, is to be removed from Cape Town to some place to the eastward, I cannot doubt that that place must, at least in the first instance, be Graham's Town. There is no place to the eastward of Graham's Town in which it would now be possible to accommodate the Governor, the officers of government, the members of the future parliament, and the supreme court. Graham's Town, no doubt, is open to serious objections. It is too far from a port : it is too far from the Orange River Sovereignty : it is a good deal exposed,—so much so that it is at this moment regarded by its inhabitants as being in great danger from the Kafirs : it has little wood for fuel : it has little water to drink. But these, though serious drawbacks, do not prevent it from being, at present, the only town adjacent to the eastern frontier in which the seat of government could be placed.

19. I ought, perhaps, to stop here. I would not willingly appear to obtrude opinions upon questions regarding which my opinions are not called for. But, in truth, one can scarcely revolve such general questions as those more immediately under consideration, without being drawn on to connect with them, questions more general still. And I shall not, I trust, be deemed presumptuous if I venture to submit that, when His Excellency the Governor shall have effectually suppressed

the present Kafir rebellion, and quelled the existing disturbances in the Sovereignty, the whole of the British possessions in South Africa may perhaps deserve to be reviewed, with reference to their being, to some extent, re-modelled. Natal, the Sovereignty, British Kaffraria, and the Cape colony are, either legally or virtually, distinct settlements, and to me it appears evident that the Cape colony must itself be hereafter separated into two. Under such circumstances, one feels, or fancies, that five distinct settlements, with five distinct governments, are rather too many, and that if the whole of the British possessions in South Africa could be conveniently arranged under three governments, instead of five, it might be advantageous. How far it would be practicable to unite the Sovereignty to Natal—to unite British Kaffraria to those eastern districts which desire separate government, and to unite to the western districts, those districts of the present eastern province which still wish their seat of government to be Cape Town, I am utterly unable to pronounce. Insuperable obstacles—geographical, financial, social, and political—may possibly stand in the way. My sole desire is to suggest to His Excellency, for his consideration, that, if there be hereafter separation, the government of the eastern province will be in reality the government of British Kaffraria also, and therefore that both territories might, with apparent advantage, be made in law, as well as in fact, one single settlement. If together three seats of civil government, of which I could only venture to mention one with any degree of confidence—namely, Cape Town—there could be also a Commander of the forces for all South Africa, who, with the greater number of the troops under his command, would, of course, be stationed somewhere in what is now British Kaffraria, might there not be room to hope for a local and efficient civil administration of native affairs, and, when necessary, the prompt application of military force?

20. What I have just ventured to suggest has regard to the government of the British territories in South Africa as those territories now exist. But all past experience, and some present appearances, justify a doubt whether the advance of British subjects towards the interior can possibly be stayed, and whether, when British subjects have once advanced, British authority can long remain behind. The removal of the seat of government to the frontier, or, what I admit comes to the same thing, the settling upon the frontier of the seat of a new government, indicates a sort of action which, when once begun, is not unlikely to be repeated. The well-known policy of Her Majesty's Government is to prohibit all extensions of British territory. Whether placing seats of government upon the frontier for the time being will tend to carry out or to counteract that policy, will depend upon whether such seats of government shall be found, in their actual working, to exert a restraining or an impelling power.

(Signed)

W. PORTER.

Attorney-General's Office, 22nd October, 1851.

#### MEMORANDUM.

[COPY.]

Custom House, Cape Town, 22d October, 1851.

1. The Governor having been pleased, by His Excellency's minute, dated the 24th ultimo, to require the advice and decided opinion of the Executive Council upon the question, where the seat of government for this colony should be fixed; and the Council having met on three several occasions, and discussed the various bearings of this question, with all the attention due to the importance of the subject, it became apparent that much diversity of opinion prevails among the members, and it was therefore deemed advisable that each member should submit his views separately.

2. Adverting to the fact that the Legislative Council has been just rendered complete, by the acceptance of seats by four unofficial members, residents in the western districts, and that the Legislative Council is at this moment sitting in Cape Town, I assume that the question before the Executive Council refers to the *future* seat of government, when representative institutions shall have been introduced.

3. I am free to confess that it is with the greatest diffidence, I might almost say reluctance, that I venture to express any opinion upon a matter of such grave importance, depending, as it must do, upon a future state of things, so entirely different from any that has ever before existed in this colony.

4. I shall, however, as briefly as I can, and confining myself to the consideration of the most prominent amongst the many and complex interests and objects involved, proceed to offer my opinion upon the question.

5. The first time, so far as I am aware, that the removal of the seat of government was mooted, was in 1835, when the then Governor, Sir Benjamin D'Urban, recommended that it should be transferred from Cape Town to Uitenhage.

6. I must here pause to say that any opinion emanating from that able and conscientious man, could not fail to receive at my hands the most respectful attention. But, since that opinion was expressed, some circumstances have materially altered, in regard to improved and more rapid communication, as well between different parts of the colony, as between the colony and Kafirland.

7. There was at that time but one post in the week between Cape Town and Graham's Town, and the intervening country. There are now two posts in the week, and there will shortly be three. We have also steam vessels now on the coast, and a direct communication by sea with the Buffalo Mouth (East London).

8. To further illustrate the difference between that period and the present in this respect, I may mention that, in January, 1835, when the intelligence was received in Cape Town of the Kafir irruption, Sir B. D'Urban despatched to the frontier the present Governor, then Colonel Smith, who, performing a ride of wholly unprecedented speed, was only able to reach Graham's Town in six days; and afterwards, Sir B. D'Urban, availing himself of the best means then within his power, proceeded to Algoa Bay in a sailing vessel, and travelled inland from thence to Graham's Town.

9. We had then no steam vessels on our coast, nor were we acquainted with the facilities afforded by the Buffalo Mouth port. But now, let us see what was the case on the threatening and subsequent breaking out of the present Kafir war. The Governor embarked at Simon's Bay in Her Majesty's steamer *Hermes*, with about 400 troops, on the evening of the 5th December last, landed safely in less than four days at the Buffalo Mouth, and was, as it were, at once in the very heart of British Kaffraria, and on the scene of action. Afterwards, there followed in rapid succession from Cape Town supplies of troops, levies, horses, and military stores of all kinds, by the same means; which supplies have enabled His Excellency to retain his advanced posts ever since in British Kaffraria.

10. Supposing that, Graham's Town had been the seat of government, and that the Governor had been there when the unexpected, and, in my opinion, most unprovoked, Kafir outbreak commenced, could any of those great objects to which I have briefly adverted have been accomplished? I think not. On the contrary, from the exposed position of Graham's Town, and its distance from the principal seaport of the eastern province (Port Elizabeth), it is not improbable but that the Kafir hordes might have been able to cut off all communication with the Governor, and likewise cut off all supplies. In fact, during the present war, it actually happened that the communications between the Governor in Kaffraria and Graham's Town were interrupted and unsafe, whilst by sea the Governor was enabled to carry on communications with the colony, *via* East London.

11. If I thought that the removal of the seat of government to Graham's Town afforded a guarantee for the future maintenance of tranquillity, I should

not hesitate to waive all minor objections, for the purpose of obtaining so great an object. But after the most deliberate consideration which I am capable of bestowing on this momentous subject, I cannot bring myself to believe in any material advantages likely to result from the adoption of such a measure.

12. Speaking from experience, although, I admit, contrary to what at first sight might be expected, the presence in Graham's Town of a Governor does not at all ensure that he would be better informed of, or better prepared for, a Kafir irruption, than if he were in Cape Town; for, in the war of 1846, when Lieutenant-Governor Hare was resident in Graham's Town, it appeared to him that matters bore a peaceable aspect, and it was in Cape Town that Sir P. Maitland came to a different, and, as it proved to be, a more correct conclusion—namely, that war was then contemplated.

13. If, then, I cannot satisfy myself that tranquillity could be better maintained in Kaffraria and beyond the boundary by the seat of government being in Graham's Town, that Kafir wars could thereby be better guarded against and prevented, that when actual hostilities commenced any advantages would be gained in the way of punishing the Kafirs by a successful carrying on of military operations, and throwing supplies into advanced posts, I am at a loss to conceive what possible advantage could be expected to be derived from the proposed change. But I foresee many disadvantages and evils which would necessarily result from its adoption.

14. The presence of the Governor-in-chief in Graham's Town is deemed of importance by those who take the view opposite to mine. Now, in applying myself to this point, I cannot disconnect in my mind the "Governor" from the "Government," that is to say, the Governor from the local parliament.

15. To have a Governor resident in Graham's Town, and the parliament of the colony sitting in Cape Town, and, moreover, that parliament constituted in the very popular manner sketched out in Her Majesty's letters patent of May 1850, would, I think, be placing Her Majesty's representative in a position which it would be impossible for him to maintain with that dignity and influence which should always attach to his high station.

16. A Governor separated, permanently, from the legislature would, I fear, be an anomaly in constitutional government; and I therefore assume, for the very obvious reasons which cannot fail to present themselves to all persons who will maturely consider the subject, that where the Governor-in-Chief is stationed, *there* must also the parliament hold its sittings.

17. Now, avoiding all abstract questions, and admitting the full legal right of the Governor to summon the parliament to meet in any portion of the colony which he may think fit to prescribe in the writs, it becomes my duty, from my local knowledge of this colony, to ask, whether a parliament sitting in Graham's Town is likely to co-operate with the Governor in the future harmonious working of the constitution? And to this enquiry I am driven to reply, distinctly, in the negative.

In the first place, the seat of the government of this colony has been always in Cape Town. To this circumstance alone is attached a powerful prestige; and the advantages must be very clear and patent, indeed, which would reconcile the inhabitants, whether Dutch or English, of the western districts to a government in Graham's Town.

18. In fact, I cannot help entertaining serious apprehensions that any laws of an unpopular character (such as burgher commando ordinance, &c.), enacted in *Graham's Town*, would be enforced with great difficulty, and even that resistance from the boers of the western districts might be an unfortunate consequence of such a measure.

Those who are acquainted with the Dutch boers must know that they are a people much governed by *custom*, and that any great change by which they are affected, should possess some very obvious advantages to render it expedient to make it.

19. Next, as to the *working* of the new constitution.



Whatever may be the details of the new elective franchise, qualifications of members, &c., it is clear that the new constitution will be composed of very popular elements, and must be taken to represent the population, wealth, and intelligence of the colony. Now it cannot, I think, be denied but that, in all these elements, the preponderance is vastly in favour of the western districts.

In a minute of the Executive Council, dated 5th June, 1847, addressed to Sir Henry Pottinger, upon a proposal of a distinct and separate government for the eastern province, it was stated that, in regard to fixed property, it appeared that the aggregate value of fixed property throughout the colony was taken to be £5,822,390. "Of this amount, £1,809,045, is in the eastern province, a sum less by nearly £100,000, than the value of the fixed property belonging to one district of the western province, namely, the Cape division. The proportion of fixed property in the western and eastern provinces is as nine to four approximately, and of cultivated land, as four to one."

In the same minute it is shown that the actual revenue respectively contributed by the eastern and western provinces is greatly in favour of the latter.

20. Reverting, then, to the practical working of the new parliament, if summoned to meet in Graham's Town, my belief is, that no members from the proposed electoral districts of Cape Town, the Cape division, Malmesbury, Stellenbosch, Paarl, Clanwilliam, Swellendam, George, or Worcester,—(I am not quite prepared to add the remaining western division, Beaufort) would proceed to Graham's Town for the purpose of transacting the public business.

21. When I say for transacting the public business, I mean the carrying on, in co-operation with the government, of the ordinary legislative business of the colony. But I think it very possible that members from the places I have enumerated, might be induced to proceed to Graham's Town, on the assembling of the first parliament, in a spirit widely different from that which such members ought to entertain,—in a spirit which would impel them to obstruct the public business, instead of that which would induce them to carry it on harmoniously. I am of opinion that the feeling would be so strong against the change of the seat of government, that the constituents would pledge their representatives not to take part in forwarding any business, but merely to give their votes for the restoration to Cape Town of the seat of government.

22. If I be right in these anticipations, I need not dwell upon the injurious effects which must be produced upon the well-being and government of this colony, or upon the results of such inauspicious introduction of representative institutions.

23. Consequent, upon the removal of the seat of government, would, of course, be the removal of the supreme court and the registry of deeds office. Now, the elements of comparative wealth, &c., which I have before glanced at, as bearing on the probable public conduct of the representatives sent to parliament, will apply to the supreme court and deeds registry office,—not, indeed, in the same ratio, but still, as it strikes me, to such a degree as to justify the opinion, that to remove these important establishments from Cape Town would wholly invert the natural order of the very things for which the court and registry office were mainly established.

24. To send the suitors engaged in the large mercantile transactions of Cape Town before a supreme court sitting in Graham's Town would, I think, be admitted by any man acquainted with this colony to be a serious hardship; and to establish the deeds registry office in Graham's Town when the great preponderance of the business connected with that office arises from the transactions of the western districts, would also, I conceive, be a great grievance.

25. Although I have treated the question before me as referring to a *future* time, that is to say, to the period when the representative institutions shall have been finally introduced, yet, as a removal might possibly be effected at some earlier period, I cannot avoid adverting to some events which, at the moment of my writing these, I fear, very imperfect views on so great and important a question, appear to me to be altogether foreign to the present subject.

26. When, a few weeks ago, there appeared a difficulty in filling up from the western districts the vacant seats in the Legislative Council, I was quite prepared to recommend that the Legislative Council should be at once assembled in Graham's Town, where it was understood that unofficial members, belonging to the eastern divisions, were willing to serve. But now that members have come forward here (in the western districts), and have been accepted by the government, and when their having done so has been approved by, and has met the support of, the mercantile and respectable community of this city, I do not consider it necessary or expedient for the Legislative Council to proceed to Graham's Town, and sit there.

27. To any impartial person who witnessed, on the 10th of October, the occasion of those new members taking their seats to render the Legislative Council complete, it must be evident that a great and marked reaction has taken place in this city, and that the general desire is to support the government.

28. Upon this subject it may be safely said that the Cape Town municipality does not fairly represent the real public opinion of the city.

29. It will be gathered from the views which I have herein endeavoured to express, that I cannot advise His Excellency to recommend to Her Majesty's Government a removal of the future seat of government from Cape Town.

30. I have, it will be observed, confined myself, in the foregoing part of this memorandum, simply to the question of the removal of the seat of government. But I trust I may be excused for adverting to another view of the subject which appears to me so intimately connected with the future government of the colony as to justify me in now noticing it.

In my minute on representative institutions, dated 22d April, 1848, I expressed myself strongly against the division of the colony into two separate and distinct governments, as being injurious to the general interests of the colony. Looking, however, to recent occurrences, wherein not merely the question of separate legislatures has been raised, but another, and a larger question, that Graham's Town should be the seat of the government of the whole colony, I think that, whatever may be the result, a separate government will be become inevitably necessary. As to the time and mode of effecting that measure I do not conceive this a proper occasion to discuss at any length, but think it due to the subject to point out a few of the more important considerations which a separation will give rise to.

31. In former discussions on this subject, doubts were entertained whether, financially, the eastern province would have the means of maintaining a Lieut.-Governor, with the necessary establishments required for an entirely distinct government. But, supposing that its revenue should even prove adequate to this extent, I do not think that it would be equal to afford any surplus that could be applied to its defence against the border tribes; and once a separation of the colony takes place, it is clear to me that no money for any such purpose would be ever voted by the separate legislature of the western province. Whereas, the legislature of the whole colony has hitherto voted moneys, and would again, I have no doubt, do so, for purposes connected with the defence of the frontier districts, and in support of the policy observed towards border friendly tribes. Once the bond of union is severed, all sympathy and support from the western province will cease; consequently, all expectations of aid from colonial funds towards the objects to which I have adverted must thenceforth be abandoned, and the whole cost must inevitably fall on the imperial treasury.

32. It will be collected from these brief remarks, that although compelled by the force of circumstances to regard some change as now inevitable, I still cannot help adhering to my original opinion, that the true interests of no portion of this colony are likely to be promoted by either a removal of the seat of government or a separation of the provinces.

(Signed) W. FIELD.

MEMORANDUM on the removal of the Seat of Government at the Cape of Good Hope, by the Auditor-General.

1. The papers on this subject drawn up by the several members of the Executive Council, also His Excellency's despatch to Lord Grey, have been given to me for perusal, with the request from His Excellency that I would also give my opinion upon this vital question.

I was absent from Cape Town, on duty, purchasing horses as a remount for the 12th Lancers, when this matter of removal was last discussed by the Executive Council; and consequently lost the advantage of hearing the many anxious discussions which took place. But I have heard the matter very fully and keenly argued, repeatedly, in Council; and I have now the advantage of having the views and opinions of the members before me, on paper, an advantage which, if I was equal to the occasion of profiting by it as they might, would give me a superiority in putting my views to paper. I confess I can neither do justice to the subject, nor to myself, in arranging my ideas.

2. I will here record the awkwardness and delicacy of my position with regard to the Executive Council, which I have frequently expressed to the members themselves.

I am, officially, a member of the Legislative, but not of the Executive Council. Previously to taking my seat, for the first time, in the Legislative Council, last year, I made known to His Excellency, through the Attorney-General, the delicacy of my position as an official member, expected to vote with and support the government, but yet not made aware of the views and intentions of the government previous to matters being discussed, in Council, before the public. I took the liberty to say that I thought this unfair, and more than should be expected from me,—that I had no wish or right to intrude myself upon the Executive Council, but that I thought I had a right to be informed, before going into Council, of the instructions of His Excellency, and to have an opportunity of discussing with the other official members, in private, all matters which the Governor intended to bring before the Legislative Council, and the right to record my opinion.

His Excellency was pleased to desire the Secretary to Government to ascertain precisely what I wished upon this matter; and it was satisfactorily arranged between us, that all papers laid before the Executive Council, and which were to form matters of legislation, should be shown to me with the minute of the Council thereon, and that I should make any remarks in writing which I thought necessary, which would be laid before the Executive Council, and the result, in the same manner, communicated to me.

3. Soon after the Legislative Council began its session, His Excellency requested me to attend a meeting of the Executive Council, to hear some matter discussed relating to the Legislative Council. His Excellency then said he thought it expedient that I should officially be in the Executive Council, as questions often arose which concerned me as an official member of the Legislative Council, as had occurred the day before (when my consent to a certain document could not be obtained, and His Excellency had to send an orderly to me to request I would be with the Secretary to Government next morning by half-past six); and he then formally requested me to attend all meetings of the Executive Council and take part in their discussions; although, by the royal instructions, he could not make me (officially) a member.

I then stated that I had no ambition to be a member, but that I felt that if I was a member of one Council that I ought to be of the other; and, if this could not be done, that then I ought to cease to be a member of the Legislative Council.

4. I have since attended all meetings of the Executive, and taken part very freely in the anxious discussions which have taken place, during His Excellency's absence, while the war and rebellion were raging on the eastern frontier; and I

must say that no difference is made by the members between themselves and my equivocal position, and with the present Governor and members I should always, I have no doubt, be treated as a member. But it may happen, some day, that I may give an opinion which may not be liked by those who differ from me. It very often happens that the members are equally divided, as in this case, and that my opinion, if listened to at all, or bearing any weight, might and would give a majority on one side as to opinions, although, not as to votes; and if His Excellency was of the same opinion, the minority might think it unfair that the opinion of a person who was not responsible for the opinion he gave, as they are, and who was not even acknowledged, I may say, by the present constitution of the colony, should in any way affect the deliberations of the Council. In the matter now under discussion, which is so important, the delicacy is less, because the members have all recorded their opinions, and His Excellency has written his despatch after perusing them, and which is now before me. Still this does not alter the awkwardness of my position, which will be increased when the new constitution is in operation, as I perceive that it is intended by Her Majesty's Government that the Auditor should have a seat, *ex officio*, in both houses.

I respectfully submit, for the consideration of the Secretary of State, that if there is to be an Executive Council under the new constitution, it would be but fair and just to the Auditor and the public that he should be made an official member of the Executive Council, as he is to be an official member of both houses.

5. It would be unconstitutional, if it were otherwise. I will instance the case of Sir George Murray, who resigned his seat in the Cabinet as Master-General of the Ordnance, because he could not obtain a seat in the House of Commons, considering it unconstitutional that he should be an adviser of the Crown, unless he were in Parliament to answer for the advice given. In my case, I think it unconstitutional that I should be an adviser of the Governor without being answerable for the advice I give.

I have dwelt too long upon this personal matter, which I wished to put on record; and shall now proceed, as well as I can, to give my opinion on the question of the removal of the seat of government from Cape Town.

6. Expecting, some months ago, to be called upon for an individual opinion upon the matter, as has occurred now, and expecting to be absent in the country (upon the same duty as I have just returned from) when the members of the Council would record their opinions, I hastily put my opinion very shortly upon paper. However, as it happened, I was present when the matter was discussed, and the Council came to a unanimous but very qualified opinion, which was transmitted, as a minute, to His Excellency. I shall transcribe what I wrote in May and June last, in order to show what my opinion then was, when the question of removal was first agitated.

7. *Remarks on the removal of the seat of government.*—I am of opinion that this colony cannot be properly governed from Cape Town; that either the seat of government should be removed to a more central position nearer to Kaffraria, or that the colony should be divided into two distinct governments. The constant recurrence of Kafir wars shows that the great difficulty lies in the settlement and management of the eastern frontier; and those wars have arisen under every system of policy hitherto adopted, and under every governor, and I believe they will continue till there is a governor with a strong force resident somewhere on the frontier. This would equally be effected if the colony was divided: but is that preferable to the colony remaining strong and united,—the government only being shifted to the neighbourhood of those warlike and troublesome Kafirs?

By a separation of the eastern and western provinces, tranquillity might be preserved, but it would be at the exclusive cost of the eastern province, which they would find most oppressive, even if they were able to bear it; but both provinces would suffer by a separation, and neither would be gainers. The



eastern provinces would, no doubt, obtain a local government, and whatever expense this might entail upon them, they would willingly bear it, I believe; rather than be governed from so remote a distance as Cape Town.

8. I am not, therefore, of opinion that separation would be beneficial at present. I incline to Lord Grey's opinion that the seat of government should be removed, but I am not clear that, if so, it must necessarily be removed to Graham's Town. I have no local knowledge, to give a decided opinion, which would be the best situation; but as Sir Benjamin D'Urban, and other governors, have recommended Uitenhage, I presume they must have had good reasons for fixing upon that town, besides its advantage of being so near Port Elizabeth.

The reasons for retaining the seat of government at Cape Town may be strong, but they are local, and affect individual rights and interests only, and do not in the least go to show that it would be for the general benefit of the colony, or for the advantage of any but the residents of Cape Town and its vicinity. These cannot weigh against the strong call and necessity for a government nearer Kaffraria.

My mind has long been made up upon this point; and I have thought that the eastern provinces have had much cause to complain. The removal of the government would not only tranquillise, but civilise, the frontier and interior parts of the colony.

(Signed)

W. HOPE.

Cape Town, 13th May, 1851.

9. With reference to what I have already said upon the removal of the seat of government, I would wish to add two remarks.

First,—After a residence of five years at Cape Town, I may feel that I know a little of the state of the western districts, and could perhaps form a decided opinion upon any measure proposed relating to their interests or wants; but if called upon at present to legislate for the settlement of the eastern frontier districts, in Cape Town, I confess my utter inability to give an opinion that could either satisfy myself or the public, from my personal ignorance of the locality and of the social state of the natives and settlers in those districts.

10. I should be called upon by one party to pass a vagrant law, and by another to pass some law to protect the natives and coloured people.

How could I, in Cape Town, with any confidence, pronounce an opinion between these two opposite parties, which was the oppressed and which had cause to complain? I might give an opinion, but it would be a theoretical one, and not one founded upon experience or personal knowledge of the subject.

Again, in October last, when the Governor laid before this Council the different reports he had received from the frontier and Kaffraria, and asked their opinion whether or not he should at once go there himself,—I ask the members, which of them felt himself in a position to feel confident that any opinion he might give would be more than conjectural, and that, personally, he knew nothing except what the different and conflicting reports stated? I had, and expressed, a very decided opinion that the Governor's presence was required immediately; but it might have turned out that I was an alarmist. But if I had been resident in those parts, I should have felt confident to give an opinion, and if the Government had been on the spot, it would have been much to blame if it could not judge correctly of the passing events.

11. I therefore repeat that, in my humble opinion, the only way to govern the distant provinces, is for the government to be stationed there,—and this, I think, would prevent the recurrence of Kafir wars or rebellions among the Hottentots.

(Signed)

W. HOPE.

Cape Town, 4th June.



12. After reading the able memoranda of the Attorney-General and Collector of Customs, also His Excellency's despatch, I remain unconvinced by all the arguments they have used.

I always listen with delight and instruction to the Attorney-General when he is arguing a question, whether I agree with him or not, and there cannot be a fairer or pleasanter opponent in an argument.

I have repeatedly attempted to argue this question with him, and been, of course, silenced and overpowered by his eloquence and ingenuity of reasoning; but he has always failed to convince me of the justness of retaining the seat of government at Cape Town. He is so alarmed at the difficulties he anticipates in the removal, that he overlooks, I think, the absolute necessity there is for a removal, notwithstanding all difficulties.

The arguments used and instances brought forward by the Attorney-General, and more especially by the Collector of Customs, and His Excellency, all go to show the superior advantage of *carrying* on a Kafir war with the seat of government at Cape Town, instead of Graham's Town; and the reasoning in the petitions of the merchants in Cape Town and London all went in the same direction. I differ entirely as to the situation to carry on the war from; but that question I will not argue, because the removal of the seat of government I consider entirely as a means, and the only one, to *prevent* the recurrence of a Kafir war,—prevention being better than cure. But the arguments of the merchants in Cape Town and London have been so admirably answered and refuted by Lord Grey, in his despatch, No. 657, of 14th July, that nothing more can be said. Some of these very same arguments I had fully attempted to use before I saw his despatch in our discussions.

The merchants of London admit that undue monopoly has been extended to Cape Town, and falsely argue that because property has been in consequence accumulated and fostered to an undue extent, that therefore the seat of government ought not to be removed, for fear of injuring this unnatural state of things.

13. This is the very complaint in the country that Cape Town knows nothing of the wants and interests of the country, and monopolises everything to itself. I think that neither the people of Cape Town nor the government understand the wants and feelings of the people in the country, particularly in the distant parts I have lately been in.

The government has been too long in Cape Town: they think as Cape Town people; they see through a thick Cape Town atmosphere, which distorts all distant objects, and tinges them with the same hue.

Individuals of Cape Town or of the government *may* travel through the country, and perceive the capabilities and wants of the surface of the country, but they do not see into the hearts and feelings of the people. They find every farmer most hospitable and civil, as they always are, but they do not speak out their feelings, more especially if the person is a government officer: they are too civil to say what would be disagreeable, and too cunning to betray their real feelings.

I have lately travelled over more than two thousand miles of the country, and in some very remote and little-frequented parts, and I have been astonished how little we in Cape Town know of the state of society in those districts, which are at least a hundred years behind the parts adjacent to Cape Town. If I find this to be the case in the north, am I not justified in thinking that we are in the same state of ignorance as to the north-east and east? And if this is true, how can we expect the frontier ever to be quiet or well-governed? Even the Attorney-General admits that removal to Graham's Town would be the best means of governing Kaffraria; but he thinks that the whole colony would not be so easily governed from there, and therefore that it would be injustice to Cape Town to do so. I differ with him. I think wherever the difficulty is the greatest, that *there* the government ought to be; and if, in his opinion, or in any one's, Kaffraria and the frontier can be or has been well governed from Cape Town,

surely it will be more easy to govern Cape Town and the western districts, which are so quiet, from Graham's Town.

14. If there is any advantage in being near the seat of government (and Cape Town seems to prize the advantage), from what is it derived? It is not surely *only* from the money which may be spent by the government, but from the readiness by which the inhabitants can transact their business with and have their wants made known to the government.

What is it that makes the country districts so clamorous for magistrates? Is it not that they may have their grievances redressed, and justice brought nearer to them? Is there any truth in the idea that good government improves and civilises a people, as much by example as by strict administration of the laws, and the prevention of abuses? If this is true, why deny to the eastern province the benefits of a resident government, felt and cherished by the inhabitants of the west? Would not the contact, example, and supervision of a civilised government in Graham's Town improve and civilise the barbarians near it? And if there are any abuses on the part of the white people towards these same barbarians, which I do not say there is, would not the removal of government to their midst correct and check these abuses? And would it not be fair and just to both parties, that there should be the strong hand of government over them to repress excesses, and to ameliorate the condition of both, and prevent those conflicts and war of races which seem ever to have taken place?

15. If, as some say, the white man is the oppressor of the black on the frontier, ought not this state of lawlessness to be repressed by government? If again, as others say, the white man suffers by the treachery and thievishness of the black, ought not the black to be made to feel the strength and power of the law to deter him from evils, if no moral feeling will do so? Can these barbarians be civilised if they are allowed to rob and steal? Is not the best means of doing so to make them fear and dread to do evil, by means of a strong and just government, at the same time that they are instructed and every means used by missionaries and others to make them Christians? Has experience proved that the instruction of missionaries *alone* will civilise them, and change their savage nature? I say not; but with a strong and benevolent government among them, and a strong military force to awe them, and not otherwise, do I think that, in time, they might be really converted and civilised.

16. If all this is true, will the people of Cape Town be so selfish as to deny the people on the frontier the advantages of the government being removed, merely because their pecuniary interests may suffer for a little at first? Would they proclaim to the world, that rather than that life and property should be secure in the eastern province,—excesses, perhaps on both sides, prevented,—the very natives improved, and perhaps in time made real Christians, they will be so shamefully selfish as to try to prevent this good being done, because their rents may fall a little? I cannot believe they will. The Attorney-General thinks worse of them than I do, if he thinks they will oppose removal; and let me say that I think that he has, in his ingenious arguing of a bad case, furnished the people of Cape Town, and the west, with some very dangerous arguments. I regret they had had so clear an advocate, for he has made more of the case than could have been made by any one else. I should have wished to have seen his pen and great talent on the side of the injured and oppressed, instead of on the side of selfishness and pecuniary gain. Most clear and ingenious as his paper is, he must forgive me if I say it is not equal to what ought and would have come from his pen if he had a better cause. In Council, he has never argued this question with his usual eloquence; he always appeared to be labouring more under his apprehension of the difficulties of removal from the opposition of the west, than from a conviction of the justness of retaining the government where it is.

17. The Attorney-General thinks that no members would ever go from the west to a Parliament in the east. Let me ask why should the members from the east then come to Cape Town? There is nothing to be apprehended by members leaving the west to go to the east; but there it is in the reverse.

The people of the west will now shelter themselves under the opinion and authority of the most amiable of men,—and one that is a bright example of all that is generous and noble in thought and action,—for acting a most selfish and unpatriotic part, if they oppose what is, in my opinion, due and required for the benefit of the whole colony—namely, a removal of the government to Graham's Town. He did not foresee this, and I regret to think what use may be made of his opinion, which will be eagerly caught up by all parties in Cape Town. But, I repeat, I do not think so ill of the people of Cape Town and the west to suppose they will act as the Attorney-General anticipates.

If the parliament meets in Cape Town, there will more than half the members be residents of Cape Town; but if it meets in Graham's Town, they must be found from other places, for Graham's Town could not furnish them all; and would a parliament of Cape Town men, legislating in Cape Town, be able to settle frontier affairs better than a government resident in Cape Town? I say not.

18. His Excellency, in his despatch, brings forward several instances, from history, where the government was not removed because there were wars carried on at a distance from the seat of government; and he argues that, therefore, this government ought not to be removed from Cape Town. But are the events recorded in history always the wisest or best that could or ought to have been adopted? In the case of England and Scotland, I should be inclined, with all deference, to argue the other way, and say that had the government removed from London to York, or Alnwick, the inroads of the English and Scotch would have been sooner and easier repressed, or Scotland would have been subdued. Again, with respect to Ireland—the fact has been as represented by His Excellency; but does it therefore follow that the best course has been adopted? I have a strong opinion that, if the Queen, the Court, Ministers, Public Offices, and Parliament were removed to Dublin or Limerick, in five years Ireland would be a new and better country; and because England, London, and Englishmen are too selfish to allow this, does it follow that Cape Town is to be equally selfish? Or ought it not to be more condemned if it resists removal with the melancholy example of Ireland before it, merely because England has done injustice to Ireland?

19. Again, His Excellency thinks the government ought to remain at Cape Town as an imperial position and an imperial question, in the event of a foreign war. I venture to differ. If there is a foreign war, the Cape, like England, must depend upon the navy, and our supremacy of the sea, for her protection; and the gallant navy do not require the presence of a Governor in Cape Town to teach them their duty, when an enemy appears. Besides, as Lord Grey has said, perhaps in the event of a foreign war, he would be better in the interior than liable to be taken prisoner by a sudden attack and landing of an enemy. But if it is necessary, in case of an invasion, that the Governor should be at Cape Town, then why do not the Queen and Ministers go to Portsmouth when England is threatened? Because they trust to the navy, who manage the matter better without them.

20. I am sure that if the Governor was resident in Graham's Town, there would never be another Kafir war; and as the people of England pay for these wars, it is but fair they should have the choice where the government should be. When the Cape can, and consents, to pay for her own wars and protection, then by all means let her choose her own seat of government; but till then, she has no right to have a voice in the matter. Even if a removal were not *certain* to prevent these horrible wars, surely it is worth trying, as every other means have failed.

21. For some time after this war is finished, we shall probably have a strong force on the frontier; but a time will come when the people of England will cry out against the expense. Ministers will be anxious to reduce it, and a strong party at home and in the colony will declare that the Kafirs are quiet and well behaved (and so they will be as long as a strong military force is kept on the

frontier). A new Governor will be here who has not known a Kafir war; he will fancy that the Kafirs are reclaimed, and that there is no necessity for maintaining so large a force in the country, and he will report that it may safely be reduced. The home government will be too glad to receive this report, and will withdraw most of the troops; and what will be the consequence? Another war in two years!!

I rather think Englishmen are famed for never profiting by experience in matters relating to government; and as regards savages, we are too generous, and give them credit for feelings they do not possess. I most fully concur in His Excellency's remarks in the latter portion of his despatch, regarding the method which ought to be adopted to secure peace and tranquillity on the frontier.

22. The Attorney-General and Collector of Customs argue that, because the Legislative Council has been filled up again, and is now sitting in Cape Town, it therefore follows that the necessity of removal is lessened; but that, if it could not have been assembled here, it might have been necessary to hold a sitting in Graham's Town, for the present, at least. Now, I say, ought the Council to have assembled at all, while there is martial law in force at the other end of the colony? And would members in Cape Town have come forward to serve if the threat of removal had not been held over them? The *moderate* party the Attorney-General speaks of are most respectable people, individually; but of what weight or use are they, as a party, if they have not the courage to come forward and declare their opinions, or incur the odium of being members of Council until they find it necessary to do so to prevent the government being removed? Did they come forward and assist the Government in its difficulties during the two last years? I forbear to write the answer. I have always been of opinion, with the members of the Executive Council, and which opinion has been conveyed in repeated minutes to His Excellency, that war and rebellion ought first to be put an end to *before* any Council should assemble, and that when it did so, it ought to be assembled in Graham's Town, and not in Cape Town.

23. Is it not mockery, the Council sitting at one end of the colony, considering wharfage dues in Cape Town, and such like matters, while the inhabitants of the other end are being massacred, plundered, and absolutely driven out of the country? If we are to legislate, have we taken one step, or proposed to do anything, to relieve those sufferers, or devised any measure to prevent the recurrence of these atrocities? This is Cape Town again! Ought not the Council, at this moment, if it is to sit, to be in Graham's Town? and ought it to take any measure into consideration, even the constitution, except the deplorable state of the frontier inhabitants? Well may they say that we in Cape Town neither feel for nor sympathise with them, and that no government in Cape Town will do them justice.

24. I feel positively ashamed to go into Council and legislate upon trifling matters, when our whole energies, individually and collectively, ought to be devoted to the state of matters on the frontier. What has the west done for the war? The Hottentots have gone to fight in thousands,—the more honour to them, and to the missionary institutions which sent them. What has the white man done? Talked a great deal, subscribed a few shillings each, and given a *concert* in aid of the sufferers by the war!!! What will Europe think of us? That we deserve all that can be said of us. And it has always been the fashion in the west to talk of Kafir wars as got up by the people on the frontier, that they might be enriched by the military expenditure. For one bad man who profits by this, how many good ones, I ask, are ruined?

I am so disgusted at the unnatural state of things, that I will not trust myself to say more.

25. If instant removal of the seat of government does not take place, there must be instant separation; but I doubt if the eastern province would accept it on the terms proposed, in His Excellency's despatch, namely, that they should have Kaffraria and the Sovereignty annexed to it, which means that they are to be at the sole expense of supporting those two provinces. If a separation takes



place, the west will never agree to pay one farthing for the protection of the frontier: it must, therefore, be borne entirely by the eastern province or by the home government. British Kaffraria ought, I think, to be maintained, and annexed to the eastern province; but I humbly offer my opinion that the Sovereignty ought to be given up,—and the sooner the better. The emigrant farmers do not want our rule; we cannot protect them from the natives, or the natives from each other: then why should we embroil ourselves in native wars! If the natives *will* slaughter each other, do we do any good in assisting one tribe to slaughter another? We have not followed the emigrants over the Vaal River, then why not stop at the Orange River, and leave the Sovereignty as an outlet for those who think the colony too small, or who wish for a change? We have not bettered things, but made them worse. If the emigrants do oppress the natives, it cannot be helped. Our interference seems to set all parties against each other, and makes matters worse.

26. I think England will tire of paying for wars undertaken by us to defend one savage tribe from another. Let an army of good and zealous missionaries go among them and civilise them, which would be their legitimate calling, instead of living comfortably at the institutions near Cape Town, which does not come up to my idea of the proper missionary spirit.

27. I will try and obviate some of the difficulties the Attorney-General perceives in the government being removed from Cape Town, as regards the public departments. I will first remark that, under any circumstance, if only a separation of the provinces takes place, I still think the supreme government ought to be on the frontier, near the seat of danger, and that a Lieutenant-Governor, with separate legislature, is all that would be required in Cape Town.

If, however, a removal took place, and not a separation, I should propose that the Supreme Court and all the public offices should be removed; but I would separate the Orphan Chamber from the Master of the Supreme Court,—put it upon something like its former footing. Let the Master have the insolvent and law business alone, and appoint a *fourth* judge to *reside* in Cape Town; and appoint a Commissioner of Bankrupts for Cape Town and certain western districts. I would also propose to leave the deeds registry office, as it is, in Cape Town, and commence a new and separate registry in Graham's Town, where, of course, the government must go to in the first instance. This is, I think, all that would be required; and I see no hardship in it to the capitalists and merchants of Cape Town; but it would bear hard upon the clerks in the public offices,—men with small incomes and large families. Many of these, worthy and deserving men, could not afford to leave Cape Town, and would have to quit the service and seek other employment, in their old age perhaps. This would be hard, but something must be done, and some hardship borne, by some class of men, for the general good of the colony, which I think a removal of the government would be.

28. I cannot sum up my feeling of this necessity stronger, than by declaring, if I were capable of being Governor of this colony, and it were possible that it could be offered to me, I would decline it, if I was to administer the government for the eastern province from Cape Town: I would say it could not be done well, or peace and protection secured. I have no time to write more. I have written this loose and disjointed paper by snatches, for I have not had an hour at a time to collect or arrange my ideas since I returned, having been entirely occupied by business, and my thoughts much distracted by a variety of other serious matters I have, at the same time, had to consider. I have no time to re-write and arrange what I have written. I have put down my thoughts, from time to time, in the most hurried manner, and they are not worthy to be put beside those able papers of the members of the Executive Council; but as this paper is, it must go, with all its imperfections, and as feebly expressing my most solemn conviction of the necessity and justice of the removal of the government from Cape Town to the frontier.

(Signed) WM. HOPE.

Wynberg, 20th Nov., 1851.



[COPY.—No. 2.]

Downing-street, 3d February, 1852.

Governor Major-General the Hon. G. CATHCART, &amp;c., &amp;c.

SIR,—I have received Sir Henry Smith's despatch, No. 186, of the 7th November, transmitting copies of the minutes of the Executive Council of his Government, and of the written opinions of each member of the Council, together with the colonial Auditor-General's, relative to the expediency of removing the seat of government from Cape Town to Graham's Town, or some other place in the eastern division of the colony.

2. I had expressed to your predecessor my opinion that the Governor of the Cape of Good Hope should for the present, and probably for a considerable time, reside chiefly at no great distance from the colonial frontier, and I am still of that opinion; but the difficulties which it is shown by the statements made to the Council would be experienced in transferring, at this moment, the principal government offices from Cape Town to any other town in the eastern division, and in calling the legislature to meet there, and the fact that the Governor's own principal attention must, for some time, be occupied by his military duties on the frontier, and that, until the termination of the war, it must remain uncertain what measures will require to be adopted with respect to the native tribes, and for the purpose of preventing the recurrence of a similar calamity, have led me to the conclusion that, for the present, the government offices and the place of meeting, for the legislature, must be allowed to continue at Cape Town.

3. In order, however, to render this arrangement practicable, it will be necessary that a Lieutenant-Governor should be appointed to reside there, with authority to carry on the civil government of the colony, under the general superintendence and directions of the Governor and Commander-in-Chief.

4. I have stated my intentions on this subject in my despatch transmitting your commission and instructions, and I have therefore only to add that, with the facilities which it is shown in the statements made by the members of Council the Governor now possesses of proceeding, in a very short time, from one extremity of the colony to the other by means of steam vessels, it will be practicable for him occasionally to proceed to Cape Town: and by this means, as well as by communicating with the Lieutenant-Governor, in writing, he may for the present exercise the requisite control over the conduct of affairs without the necessity of removing the public offices from Cape Town; and whenever the Governor may go to Cape Town for more than a very short period, the Lieutenant-Governor might be deputed by him to watch over the affairs of the eastern district.

5. At the termination of the war, it will be proper that the permanent arrangements to be adopted should undergo further consideration with reference to what may then be the state of affairs. It will then be the duty of the Governor, under the directions he may receive from the Secretary of State, to exercise the prerogative of the Crown, by summoning the legislature to meet at the place which may be judged to be the most advisable, with a view to the general interest of the whole colony.

6. The division of the colony, as proposed by your predecessor, is clearly impracticable at present, and in my judgment it can never be attempted without creating at the same time some authority common to both divisions, and empowered to deal with matters in which they have a joint interest.

I have, &amp;c.,

(Signed)

GREY.

The undersigned, representing a large and influential portion of the eastern province of the Cape of Good Hope, and especially of the British-born inhabitants thereof, take exception to the form of representative government suggested in the report of the Right Honourable the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign plantations, dated the 19th January, 1850, which report is approved and confirmed by Her Majesty's Privy Council, and subsequently by "Letters Patent," transmitted with a despatch from the Right Honourable the Secretary of State, bearing date the 29th May following,—for the several reasons hereinafter stated; that is to say,—

1. We except, in the name and on behalf of the inhabitants of the eastern province, to the proposed constitution,—forasmuch as it does not provide for the separate and independent control and administration by the inhabitants of that province of their own local affairs, as repeatedly prayed for in petitions and memorials addressed by them to Her Majesty and the local government.

2. We take exception,—forasmuch as that commissioners of inquiry, duly appointed by the imperial government, did, so far back as 1823, after mature consideration, strongly urge and earnestly recommend that the eastern province of this colony should be formed into a separate and distinct government; and forasmuch as they reported, as published in the Parliamentary blue books of the day, that the separation of the two provinces "had become necessary from the increased pressure of business and correspondence with the remoter districts of the frontier, occasioned by the settlement of the English emigrants; the importance of applying some uniform and consistent principles to the intercourse of the colonists with the Kafirs and other tribes, of preventing their collision, and checking the desultory warfare that has prevailed along a considerable portion of the frontier."

3. We take exception,—forasmuch as that the recommendations of the commissioners of inquiry above mentioned received the approval of the imperial government,—and forasmuch as those officers state it as their decided opinion that a Legislative Council in each province would afford every reasonable prospect of contributing to the tranquillity and happiness of both.

4. We take exception,—forasmuch as that, from a disregard of the recommendation thus made, and from neglecting to apply some consistent principle to the intercourse of the colony with the Kafir tribes, those tribes did, in the year 1834-5, burst into the colony—lay waste and ravage the frontier districts thereof—murder many of its inhabitants—and destroy and sweep off property to the amount, as fully proved, of more than £300,000 sterling.

5. We take exception,—forasmuch as that, on the repulsion of that savage inroad, His Excellency the Governor of the colony and Commander-in-Chief, the late Sir Benjamin D'Urban, did, in a despatch addressed to Her Majesty's Government, strongly advise the removal of the seat of government from Cape Town to Uitenhage, basing his advice on precisely the same grounds as those taken by the commissioners of inquiry, viz. :—That it was essential to the security of the country that there should be a chief magistrate, uniting in his own hands, and directing, the civil and military authority, on the spot.

6. We take exception,—forasmuch as Her Majesty did, immediately after this recommendation, and, as we believe, in consequence of it, appoint a Lieutenant-Governor for the eastern province, to reside at Graham's Town, but whose appointment was rendered futile, and, as the event showed, mischievous, in consequence of withholding from the people that due share in the administration of their own affairs, and that reasonable control of the public finances which is ever deemed as essential to the liberties and well-being of a free country.

7. We take exception,—forasmuch as that, in consequence of such defective government, and withholding from the people that share in the administration of their affairs as above stated, the Kafir tribes did again in 1846 burst into and ravage the colony, at a loss to the colonists of half a million, as duly proved before

a board of commissioners, and cost to the imperial treasury of upwards of a million sterling.

8. We take exception,—forasmuch as this barbarian inroad was clearly perceived and distinctly and repeatedly foretold by the inhabitants of the eastern province, numerous petitions having been prepared and transmitted from time to time to the local and imperial governments, earnestly beseeching protection, and strongly deprecating a line of policy which they clearly foresaw must result in war, bloodshed, and ruin.

9. We take exception,—forasmuch as that the local government, sitting in Cape Town, refused to listen, or at least to concede, to the prayers of these petitions; and forasmuch as it was officially declared by the Executive Council, by their organs in the Legislative Council assembled in Cape Town, that such apprehensions were groundless, that the statements contained in said petitions were exaggerated, and that no alteration of policy was required or would be expedient.

10. We take exception,—forasmuch as the Right Honourable Earl Grey, Her Majesty's Secretary of State for the Colonies, has recorded, in a despatch addressed to the Governor of New South Wales, dated 31st July, 1847, a principle which is not applied to this province, and is thus explained and set forth in the despatch in question:—

“Without entering at large into the arrangement, I must yet so far vindicate my own conclusion as to remark that it rests mainly on the great principle of colonial government, which all theory and all experience seem to me to concur in establishing. That principle is, that all affairs of merely local concern should be left to the regulation of the local authorities. To that principle I know of no general exceptions, unless in cases where local interests may clash with the interests of the empire at large, or in cases where some one predominant class of a colonial society might be disposed to exert such powers so as unjustly to depress some feebler and defenceless class. It was on this general principle that the existing constitution of New South Wales was founded. It is on the same general principle that the proposed qualification of it may be most successfully vindicated.

“Local self-government, if necessary for the good of the whole colony, is not less necessary for the good of the several districts of which it is composed. For this reason it was that Parliament provided for the erection throughout New South Wales of municipal corporations, which should in various respects balance and keep in check the powers of the Legislative Council. By this method it was supposed that the more remote districts would be able to exercise their fair share of power, and to enjoy their proper influence in the general policy of the whole province; but the result has disappointed this expectation. The municipalities have only a nominal existence. The legislative power has absorbed all the other powers of the colonial state. The principle of self-government, in the districts the most remote from Sydney, is therefore acted upon almost as imperfectly as if the conduct of local affairs had remained under the same management and institutions as those which the existing system superseded. Members, it is true, are chosen to represent those districts in the legislature, but it is shown that such of the inhabitants of Port Phillip as are really qualified for this trust, are unable to undertake it at the expense of abandoning their residences and their pursuits in the southern division of the colony. *Thus the Port Phillip representation is an unreal and illusory, not a substantial, enjoyment of representative government.*”

11. We take exception,—forasmuch as we attribute all the public evils and losses to which the eastern province has been exposed and actually suffered, to the non-adherence to the principles set forth in the above cited despatch; and, forasmuch as we are persuaded that until they are applied to it, the inhabitants will be exposed to imminent danger, and the prosperity of the country be proportionably retarded.

12. We take exception,—forasmuch as that Her Majesty the Queen did, in 1847, appoint as Lieut.-Governor of the eastern province Sir Henry Edward Fox

Young; but without giving the inhabitants those other advantages and that due share in the administration of their public affairs, which would have rendered such appointment really efficient in itself and satisfactory to those over whom he was called to preside.

13. We take exception,—forasmuch as Lieut.-Governor Young, on assuming his office, did strongly represent to the then Governor of the Cape, Sir Henry Pottinger, that the powers entrusted to him were inadequate to the right and useful discharge of his administrative duty; and forasmuch as Governor Sir Henry Pottinger did concur with Lieut.-Governor Young in this matter,—both strongly urging upon Her Majesty's government the enlargement of those powers, and their distribution, so as to afford to the people themselves that due share in the direction of their own affairs to which it was held they were undoubtedly entitled.

14. We take exception,—forasmuch as Lieut.-Governor Young, with the concurrence of Governor Sir Henry Pottinger, incurred considerable expense, and took great trouble in collecting and placing upon record the opinions of the inhabitants at large on the subject of separate government; and forasmuch as the opinions, thus collected, are distinct, uniform, and unequivocal, as to the indispensable necessity of a separate and independent government for the eastern province.

15. We take exception,—forasmuch as the Right Honourable the Committee of Privy Council for Trade and Plantations make, in their report, already cited, the important admission that it is an "*intolerable grievance*" for a remote province to be placed under the authority of a legislature sitting at a distance; and that, from a deep conviction of the weight of such grievance, they had felt it to be their duty to recommend the severance of Port Phillip from the colony of New South Wales.

16. We take exception,—forasmuch as the Right Honourable the Committee of Privy Council, afore mentioned, have recorded, in their report, "we can hardly doubt that the residents in the eastern and northern portions of the Cape territory will experience similar inconvenience to that which has been felt by the inhabitants of Port Phillip, and we are only withheld from advising that the colony should be divided, from the circumstance that it appears to be the decided opinion of those whose local knowledge gives them better means of forming a sound judgment than ourselves, that the means do not exist of forming two separate legislatures with advantage."

17. We take exception,—forasmuch as the "local knowledge" referred to in the above-cited extract amounts, in our opinion, to a total misapprehension of the actual position of those to whom it has reference; all of them being residents of the western province, holding offices there of high trust and great profit, and whose immediate and prospective interest and personal associations were in direct counter-influence to the separation of the two provinces.

18. We take exception,—forasmuch as it does not appear—no reference being made thereto—that the Privy Council, on framing its report above mentioned, had before it the published opinions on the question of separate government of the people of the eastern province; and forasmuch as that report is evidently founded on *ex parte* statements and erroneous views of the entire subject.

19. We take exception,—forasmuch as, from the growth of the eastern province in population, wealth, and intelligence, it is more than ever expedient it should have, as it claims and is prepared to take upon itself, the administration of its own affairs and the due appropriation of its own public finances.

20. We take exception,—forasmuch as we are impressed most deeply and fully with the conviction that no government whatever, having its capital or seat at Cape Town, more than 600 miles distant from the nearest part of the eastern frontier, will ever do justice to the people of the eastern province, understand their wants, or meet their requirements.

21. We take exception,—forasmuch as, in the event of the constitution of a parliament sitting in Cape Town, the people of the eastern province would not be fully, if at all represented; that their interests would be greatly overborne and outweighed by the numerical superiority of Cape Town, and by a preponderance of influence, arising therefrom in the western district: the results of which would be the creation of distrust, animosity, and disaffection, to the serious retardation of all social improvement, if not to the great danger of both provinces.

22. We take exception,—forasmuch as the people of the eastern province are, as we are advised, prepared to pay, from their own finances, the cost of their own local government, provided they have fully conceded to them the right of constructing their own government, so as to adapt it to their own means.

23. We take exception,—forasmuch as all past experience goes convincingly to show that, with a government sitting in Cape Town, the people of the eastern province cannot expect to be relieved of those social and political disabilities of which they have so much reason to complain,—namely, that by having all the great public institutions at so great a distance, they are put to grievous inconvenience and suffer great loss, which they would not sustain did they enjoy the same local facilities as the western districts for the dispatch of the public business.

24. We take exception,—forasmuch as the establishment of separate and independent government in the eastern province would, in our opinion, on the principle of a division of labour, not only greatly conduce to the dispatch of business, but would, by increasing general prosperity, materially promote the prosperity of both provinces. It would create that healthy emulation which must incite to increased enterprise, and could hardly fail, when properly directed, to enhance the value of property, as well as to give increased public confidence to all classes of the community.

25. We take exception,—forasmuch as we are persuaded that the eastern province will never be secure from attack by the Kafir tribes, until the people themselves, immediately interested in the preservation of peace, have the power of controlling and regulating the affairs of their own frontier, and thus of securing the farmer—on whom the community is so largely dependent—from that irritation and those serious losses to which, heretofore, he has been so constantly exposed.

26. We take exception,—forasmuch as it only requires sound, efficient, local government, for the eastern province to increase rapidly in wealth, and to attain to that standing to which, from its capabilities, and the enterprise, industry, and intelligence of its inhabitants, it may justly and reasonably aspire.

27. We take exception,—forasmuch as we are persuaded, from close and long attention to the public statistics of the province, that it has the means of supporting those public institutions which are necessary to its own social and political well-being, and forasmuch as returns compiled, as we think, with great care from authentic sources are extant, and accessible to all, which show beyond dispute that the time has come for it to assume the full and independent control of its own affairs.

28. We take exception,—forasmuch as we have been entrusted with a memorial to the Legislative Council of this colony, but which from the retirement of some of its members, it would be informal to present, containing as follows:—

“That memorialists have observed with deep regret and disappointment, that no provision has been made in the letters patent authorising the existing Cape Legislature to draft a constitution for this colony, for bestowing upon the inhabitants of the eastern province those political rights and that political independence without which they can never hope to enjoy permanent tranquillity or public prosperity. Your memorialists, therefore, respectfully entreat that your Excellency and your Honourable Council will be pleased to take their case into your serious deliberation, and that you will recommend to the favourable consideration of Her Majesty’s Government, either the establishment of a separate government



for the eastern province, to consist of a Lieut. Governor with independent powers of action, an Executive Council, and a house of representatives, with full control of the finances of the province : or the removal of the seat of government to a more central position, in accordance with the suggestion of the late Sir Benjamin D'Urban."

29 We take exception, --forasmuch as, from the contiguity of the eastern province to British Kaffraria and the Orange River Sovereignty, it is absolutely essential to the well working of our relations with the inhabitants of those sections of territory, respectively, and to prevent misunderstandings arising from delay, that there should be a government at hand, armed with full power on emergencies to act with promptitude, and determine at the moment on all matters which may arise between them and threaten to disturb the public tranquillity.

30. We take exception, forasmuch as the successful administration of affairs in relation to those people by Her Majesty's High Commissioner, Sir. H. Smith, affords no guarantee for the future ; there being no rational reason for expecting that any future administrator will have that accurate local knowledge, or be endued with those peculiar qualifications which so eminently fit His Excellency for the onerous trust reposed in him, and thus of avoiding those evils, and providing for those contingencies, which would be, to a less skilful or well informed officer, altogether insurmountable.

31. We take exception,--forasmuch as the imperial government has seen it expedient to withdraw from this colony any control over the affairs either of British Kaffraria or the Orange River Sovereignty, and, forasmuch as we rely with confidence on the home government, that the affairs of those territories respectively will be so administered as that the eastern province will be effectually protected against future collisions, and that such amicable relations will be established between the several divisions of British South Africa, as that peace may be maintained and unanimity and concord promoted amongst all classes.

For these several reasons, and many others which might be advanced, but which it would be tedious to enumerate, we take exception, to ANY form of representative government, holding its sittings in Cape Town,--a position which, from its great distance, would render it highly improbable, if not altogether impracticable, that the eastern districts would be fairly represented ; and thus their interests would be seriously damaged by an immense preponderance of Cape Town influence, and measures adopted which would impede their progress, and might place in jeopardy their political and social welfare.

W. COCK.

R. GODLONTON.

Cape Town, 27th September, 1850.

# RETURN OF REVENUE

RECEIVED IN THE

EASTERN PROVINCE

DURING THE FIVE YEARS ENDING 31<sup>ST</sup> DECEMBER, 1855.

ii. RETURN of all Revenue received in the Eastern Province

DIVISIONS.	Customs.	Land Sales.	Land Revenue.	Rents exclusive of Lands.	Transfer Dues.	Auction Dues.	Licences to prepare Deeds, &c.	Stamps.	Postage.
ALBANY.									
1851 ..	....	4	178	197	769	701	....	918	1970
1852 ..	....	30	139	..	1650	1427	....	1296	3347
1853 ..	....	1769	796	..	3705	2344	....	1491	2960
1854 ..	....	352	467	..	2754	1447	....	1566	1990
1855 ..	....	75	494	..	2117	1137	....	1380	1956
FORT BEAUFORT.									
1851 ..	....	..	9	7	42	166	....	245	253
1852 ..	....	..	..	6	267	330	....	508	430
1853 ..	....	..	587	6	1465	449	....	676	410
1854 ..	....	241	890	49	525	505	....	731	453
1855 ..	....	..	617	22	258	229	....	601	444
GRAAFF-REINET.									
1851 ..	....	..	619	..	1829	394	....	645	556
1852 ..	....	..	1004	..	2076	742	....	708	638
1853 ..	....	1430	1268	147	2356	1485	....	667	910
1854 ..	....	620	826	..	3081	1613	....	692	136
1855 ..	....	799	1472	381	3021	852	....	743	1213
SOMERSET.									
1851 ..	....	31	267	..	534	49	....	200	380
1852 ..	....	..	490	..	1525	366	....	295	386
1853 ..	....	..	1459	154	1609	356	....	481	457
1854 ..	....	887	1122	85	1724	347	....	655	416
1855 ..	....	29	847	110	1344	229	....	404	522
COLESBERG.									
1851 ..	....	..	1031	..	972	50	....	300	563
1852 ..	....	..	990	..	1607	197	....	273	606
1853 ..	....	296	1591	..	2463	530	....	428	672
1854 ..	....	854	1267	143	2149	327	....	469	800
1855 ..	....	..	1230	..	2157	245	....	436	653
CRADOCK.									
1851 ..	....	14	483	..	881	71	....	258	437
1852 ..	....	..	773	..	1462	252	....	495	402
1853 ..	....	..	1147	64	2660	327	....	457	386
1854 ..	....	77	775	..	1450	899	....	432	472
1855 ..	....	..	939	..	1236	231	....	449	450
Carried forward, £	....	7508	23777	1371	49688	18297	....	18899	26493

during the Five Years ending 31st December, 1855.

iii.

Fines, Forfeitures and Fees of Court.	Fees of Office.	Sale of Government Property.	Reimbursements.	Receipts (Miscellaneous).	Interest.	Special Receipts.	Total Revenue.		REMARKS.
							£	Year.	
113	7	..	5	..	10	..	4872	1851	
133	17	..	..	14	..	..	8053	1852	
334	25	..	..	..	..	..	13424	1853	
171	7	..	..	20	106	..	8880	1854	
171	8	..	..	..	1	..	7339	1855	
9	9	..	..	..	13	..	753	1851	
41	12	..	..	..	12	9	1615	1852	
109	35	..	..	..	13	..	3750	1853	
71	13	2	..	20	20	7	3527	1854	
57	8	5	18	1	5	..	2265	1855	
77	6	..	..	..	2	..	4128	1851	
147	7	..	..	..	..	..	5322	1852	
119	8	..	8	..	6	..	8404	1853	
280	15	..	..	1	..	..	8489	1854	
102	11	13	..	4	2	..	8613	1855	
69	4	..	..	2	17	..	1553	1851	
73	5	..	..	..	4	..	3144	1852	
629	5	..	..	..	1	..	5151	1853	
171	23	..	43	..	..	..	5473	1854	
126	11	..	43	3	5	..	3673	1855	
45	5	..	..	..	..	..	2966	1851	
30	6	..	..	..	..	..	3709	1852	
323	6	..	..	..	..	..	6309	1853	
42	9	..	100	..	..	..	6160	1854	
44	6	..	50	33	1	..	4855	1855	
49	4	..	..	2	2	..	2201	1851	
111	4	..	..	21	12	..	3532	1852	
234	4	..	..	1	10	..	5290	1853	
47	7	..	..	..	22	..	4181	1854	
38	12	..	..	..	8	..	3363	1855	
3965	299	20	267	122	272	16	150994		

## iv. RETURN of all Revenue received in the Eastern Province

DIVISIONS.	Customs.	Land Sales.	Land Revenue.	Rents exclusive of Lands.	Transfer Dues.	Auction Dues.	Licences to prepare Deeds, &c.	Stamps.	Postage.
Brought forward,.. £		7508	23777	1371	49688	18297	....	18899	26493
UITENHAGE.									
1851 ..	....	655	438	32	839	459	....	325	382
1852 ..	....	..	1380	..	1510	1085	....	580	486
1853 ..	....	..	2435	..	1762	709	....	816	473
1854 ..	....	3886	593	..	2247	918	....	545	923
1855 ..	....	1767	1102	..	1417	562	....	650	914
PORT ELIZABETH.									
1851 ..	26511	..	72	122	395	1196	....	500	1069
1852 ..	48358	30	75	134	940	1481	....	724	1456
1853 ..	48814	..	446	119	1952	2558	....	666	1883
1854 ..	41026	45	189	97	1742	1505	....	580	1194
1855 ..	41442	..	86	55	1376	1596	....	1117	1914
ALBERT.									
1851 ..	....	6	374	..	1452	54	....	330	177
1852 ..	....	..	2034	28	1533	185	....	686	283
1853 ..	....	25	3957	..	1971	178	....	1125	417
1854 ..	....	..	2704	..	1873	137	....	796	690
1855 ..	....	429	1301	..	1329	285	....	475	801
VICTORIA.									
1851 ..	....	107	..	11	85	..	....	139	177
1852 ..	....	182	1	..	33	..	....	136	72
1853 ..	....	9	1	..	179	..	....	258	88
1854 ..	....	29	1278	..	274	11	....	203	151
1855 ..	....	..	645	..	197	29	....	286	140
QUEEN'S TOWN.									
1851 ..	....	..	..	..	..	..	....	..	..
1852 ..	....	..	..	..	..	..	....	..	..
1853 ..	....	..	..	..	..	31	....	9	14
1854 ..	....	322	134	..	201	177	....	165	121
1855 ..	....	16	43	10	108	117	....	155	305
Totals, .. £	206151	15016	43065	1979	73103	31570	....	30165	40623



during the Five Years ending 31st December, 1855.

v.

Fines, Forfeitures and Fees of Court.	Fees of Office.	Sale of Government Property.	Reimbursements.	Receipts (Miscellaneous).	Interest.	Special Receipts.	Total Revenue.		REMARKS.
							£	Year.	
3965	299	20	267	122	272	16	150994	....	
54	4	1	18	3	8	..	3218	1851	
142	6	..	..	1	12	16	5218	1852	
90	4	..	..	5	9	..	6303	1853	
42	10	3	82	4	9	..	9262	1854	
94	10	..	82	4	17	..	6619	1855	
19	4	..	..	14	5	..	29907	1851	
74	8	16	..	..	2	..	53298	1852	
66	13	38	..	..	5	..	56560	1853	
149	11	..	9	2	6	..	46555	1854	
131	22	..	..	12	10	..	47761	1855	
83	14	..	18	..	1	..	2509	1851	
68	39	..	105	..	1	..	4962	1852	
34	76	..	171	1	..	..	7955	1853	
170	31	..	89	1	..	..	6491	1854	
161	11	..	62	..	9	..	4863	1855	
111	1	..	5	..	..	53	689	1851	
79	1	..	2	13	..	..	519	1852	
64	1	7	14	10	..	..	631	1853	
109	2	..	7	..	..	14	2078	1854	
57	12	..	164	..	..	..	1530	1855	
..	..	..	..	..	..	..	nil	1851	Queen's Town became a Division of the Colony in Dec., 1853.
..	..	..	..	..	..	..	nil	1852	
8	..	..	..	..	..	43	105	1853	
32	..	..	136	..	..	76	1364	1855	
53	2	..	31	15	2	15	872	1855	
5855	581	85	1262	207	368	233	450263		

## RECAPITULATION.

EASTERN PROVINCE.	Revenue Collected during the Years					TOTAL.
	1851.	1852.	1853.	1854.	1855.	
Albany, .....	£ 4872	8053	13424	8880	7339	42568
Fort Beaufort, .....	753	1615	3750	3527	2265	11910
Graaff-Reinet, .....	4128	5322	8404	8489	8613	34956
Somerset, .....	1553	3144	5151	5473	3673	18994
Colesberg, .....	2966	3709	6309	6160	4855	23999
Cradock, .....	2201	3532	5290	4181	3363	18567
Uitenhage, .....	3218	5218	6303	9262	6619	30620
Port Elizabeth, .....	29907	53298	56560	46555	47761	234081
Albert, .....	2509	4962	7955	6491	4863	26780
Victoria, .....	689	519	631	2078	1530	5447
Queen's Town, .....	nil	nil	105	1364	872	2341
Total ....	£ 52796	89372	113882	102460	91753	450263

W. HOPE, Auditor.

Audit Office, Cape Town,

26th April, 1856.

RECAPITULATION of Expenditure in the Eastern Province      vii.  
during the Undermentioned Years.

DIVISIONS.	1851	1852	1853	1854	1855	Total.
Albany, .....	6714	8824	10160	17303	26645	69646
Fort Beaufort, .....	3074	3956	4066	9565	10505	31166
Graaff-Reinet, .....	4884	4190	5486	5759	7525	27844
Somerset, .....	3207	3691	3702	4417	4147	19164
Colesberg, .....	2704	3532	4501	4425	3949	19111
Craddock, .....	2736	3438	3551	3227	2807	15759
Uitenhage, .....	4451	6092	4917	4371	6218	26049
Port Elizabeth, .....	3043	6051	7040	10110	10703	36947
Albert, .....	2513	3280	2896	5728	3918	18335
Victoria, .....	3429	3618	3935	9684	16441	37107
Queen's Town, .....	..	..	62	6017	6644	12723
£	36755	46672	50316	80606	99502	313851

NOTE.—This statement is prepared in accordance with the Motion called for it, and comprises the Expenditure made through the several Civil Commissioners of the Eastern Divisions, but it is to be observed that the Expenditure by the Central Road Board, wherever made, is paid through the Treasurer, that it is optional with Post Contractors to draw their Contract Money in Cape Town, or in any Division, irrespective of where the service is performed, and that Parliamentary Expenditure, in connection with the Members, is paid in Cape Town.

W. HOPE, Auditor.

Audit Office, 3rd May, 1856.

viii RETURN of the Expenditure in the Eastern Province during the year 1851.

	Albany.	Fort Beaufort	Graaff-Reinet.	Somerset.	Colesberg.	Cradock.	Uitenbage.	Port Elizabeth.	Albert.	Victoria.	Queen's Town.	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
Fixed Salaries .....	4289	1708	2816	1636	1577	1462	1757	1769	1147	1901	..	20062
Provisional Salaries ..	300	275	114	178	75	165	203	112	224	477	..	2123
Allowances .....	205	117	200	65	65	25	49	96	88	272	..	1182
Contingencies .....	34	9	75	32	73	62	69	248	8	33	..	643
Pensions .....	334	51	43	93	39	55	692	..	..	3	..	1310
Revenue Services....	..	..	..	..	..	4	1	46	3	..	..	54
Administration of Justice .....	72	123	41	69	85	65	112	16	83	7	..	673
Hospitals .....	2	..	4	5	116	14	52	..	..	..	..	193
Police and Gaols ....	696	611	1026	449	273	576	572	413	536	573	..	5725
Rents .....	135	..	87	65	65	77	..	264	147	123	..	963
Transport .....	73	90	..	143	103	114	101	62	164	19	..	869
Conveyance of Mails..	379	10	458	451	74	92	833	14	113	..	..	2424
Scientific Institutions	..	..	..	..	..	..	..	..	..	..	..	..
Education .....	..	..	..	..	..	..	..	..	..	..	..	..
Works and Buildings	7	12	20	21	9	19	5	3	..	17	..	113
Roads, Streets, and Bridges .....	..	..	..	..	..	..	..	..	..	..	..	..
Miscellaneous .....	128	42	..	..	..	..	..	..	..	..	..	170
Aborigines .....	..	26	..	..	150	..	..	..	..	4	..	180
Parliamentary .....	..	..	..	..	..	..	..	..	..	..	..	..
Special Services ....	..	..	..	..	..	..	..	..	..	..	..	..
Agent General ....	..	..	..	..	..	..	..	..	..	..	..	..
Advances .....	20	..	..	..	..	..	..	..	..	..	..	20
Sums Refunded ....	40	..	..	..	..	6	5	..	..	..	..	51
	6714	3074	4884	3207	2704	2736	4451	3043	2513	3429	..	36755

RETURN of Expenditure in the Eastern Province during ix.  
the year 1852.

	Albany.	Fort Beaufort.	Graaff-Reinet.	Somerset.	Colsoberg.	Cradoek.	Uitenhage.	Port Elizabeth.	Albert.	Victoria.	Queen's Town	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
Fixed Salaries .....	4530	1948	2377	1684	1638	1596	1801	1835	1286	2126	..	20821
Provisional Salaries..	182	153	2	33	2	383	247	288	211	184	..	1685
Allowances .....	193	167	102	65	80	25	69	76	90	350	..	1217
Contingencies .....	73	66	32	38	47	25	23	251	56	62	..	673
Pensions .....	726	235	32	155	44	47	720	..	..	16	..	1975
Revenue Services....	..	..	..	..	..	..	2	2	..	..	..	4
Administration of Justice .....	325	7	355	109	165	27	263	52	51	63	..	1417
Hospitals .....	..	..	..	..	263	14	63	..	1	..	..	341
Police and Gaols ....	1215	1181	543	593	456	658	803	423	857	540	..	7269
Rent .....	135	..	67	50	82	135	..	220	104	190	..	983
Transport .....	194	57	349	96	358	206	390	120	179	14	..	1963
Conveyance of Mails	1193	..	311	849	162	307	1701	2660	101	..	..	7284
Scientific Institutions	..	..	..	..	..	..	..	..	..	..	..	..
Education .....	..	..	..	..	..	..	..	..	..	..	..	..
Works and Buildings	48	2	20	11	3	..	5	97	7	1	..	184
Roads, Streets, and Bridges .....	..	..	..	..	..	..	..	..	..	..	..	..
Miscellaneous .....	..	50	..	..	30	..	..	6	337	..	..	423
Aborigines .....	..	..	..	..	75	..	..	..	..	67	..	142
Parliamentary .....	..	..	..	..	..	..	..	..	..	..	..	..
Special Services ....	..	..	..	..	..	..	..	..	..	..	..	..
Agent General ....	..	..	..	..	..	..	..	..	..	..	..	..
Advances .....	10	..	..	..	..	..	..	..	..	..	..	10
Sums Refunded ....	..	90	..	8	127	15	5	21	..	5	..	271
	8824	3956	4190	3691	3532	3438	6092	6051	3280	3618	..	46672



x      RETURN of Expenditure in the Eastern Province during the  
year 1853.

	Albany.	Fort Beaufort	Graaff-Reinet.	Somerset.	Colesberg.	Cradock.	Uitenhage.	Port Elizabeth.	Albert.	Victoria.	Queen's Town.	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
Fixed Salaries .....	4658	1655	2689	1687	1636	1652	1624	2266	1270	2040	..	21177
Provisional Salaries ..	423	350	340	21	14	133	588	334	133	566	44	2946
Allowances .....	267	164	86	70	90	25	70	76	122	316	18	1304
Contingencies .....	73	7	49	29	47	34	27	192	15	109	..	582
Pensions .....	894	210	90	56	41	108	856	27	..	42	..	2324
Revenue Services.....	..	..	..	2	..	..	..	8	..	1	..	11
Administration of Justice .....	644	109	399	147	85	23	207	90	15	25	..	1744
Hospitals .....	..	..	..	4	277	17	54	..	..	..	..	352
Police and Gaols ....	917	1172	1181	329	494	472	317	563	687	255	..	6387
Rents .....	105	18	36	50	71	114	..	195	213	144	..	946
Transport .....	630	87	207	131	449	222	186	118	391	28	..	2449
Conveyance of Mails..	659	86	..	940	954	602	801	3160	..	113	..	7315
Scientific Institutions	..	..	..	..	..	..	..	..	..	..	..	..
Education .....	..	..	..	..	..	..	..	..	..	..	..	..
Works and Buildings	47	32	407	12	1	5	11	..	..	..	..	515
Roads, Streets, and Bridges .....	..	..	..	..	..	..	..	..	..	..	..	..
Miscellaneous .....	614	16	..	86	192	..	150	..	..	167	..	1225
Aborigines .....	..	..	..	..	150	..	..	..	..	100	..	250
Parliamentary .....	..	..	..	..	..	..	..	..	..	..	..	..
Special Services ....	..	..	..	..	..	..	..	..	..	..	..	..
Agent General .....	..	..	..	..	..	..	..	..	..	..	..	..
Advances .....	150	100	..	..	..	..	..	..	..	..	..	250
Sums Refunded .....	79	60	2	138	..	144	26	11	50	29	..	539
	10160	4066	5486	3702	4501	3551	4917	7040	2896	3935	62	50316

RETURN of Expenditure in the Eastern Province during      xi.  
the year 1854.

	Albany.	Fort Beaufort.	Graaf Reinet.	Somerset.	Colesberg.	Cradock.	Uitenhage.	Port Elizabeth.	Albert.	Victoria.	Queen's Town.	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
Fixed Salaries . . . .	4740	2472	2608	1688	1494	1688	1576	2971	1349	1882	..	22468
Provisional Salaries	7964	5020	169	135	43	168	441	868	243	5562	4997	25610
Allowances . . . . .	226	183	105	70	90	205	70	76	234	196	128	1583
Contingencies . . . .	101	27	6	21	26	2	40	114	12	9	21	379
Pensions . . . . .	1032	269	100	94	23	37	830	36	17	15	..	2453
Revenue Services..	..	23	14	7	3	..	..	..	..	9	..	56
Administration of Justice . . . . .	215	183	339	53	187	106	410	67	143	129	17	1849
Hospitals . . . . .	..	40	..	11	275	21	106	..	..	35	..	488
Police and Gaols ..	913	416	1076	302	402	427	321	359	1471	222	254	6163
Rents . . . . .	199	77	58	38	63	108	..	403	228	147	169	1490
Transport . . . . .	288	115	467	199	495	117	332	145	331	87	29	2605
Conveyance of Mails	118	76	573	1378	807	228	197	4825	1050	511	215	9978
Scientific Institu- tions . . . . .	100	..	..	..	..	..	..	..	..	..	..	100
Education . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Works & Buildings	21	200	12	4	16	..	44	207	4	12	97	617
Roads, Streets, and Bridges . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Miscellaneous . . . .	93	126	16	..	..	..	..	6	236	3	62	542
Aborigines . . . . .	84	160	..	..	150	..	..	..	..	663	6	1063
Parliamentary . . . .	127	69	216	114	298	120	..	..	202	142	22	1310
Special Services ..	..	..	..	..	..	..	..	..	..	..	..	..
Agent General ..	..	..	..	..	..	..	..	..	..	..	..	..
Advances . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Sums Refunded ..	55	109	..	303	1	..	4	33	144	60	..	709
Ecclesiastical . . . .	1027	..	..	..	52	..	..	..	64	..	..	1143
	17303	9565	5759	4417	4425	3227	4371	10110	5728	9684	6017	80606

xii. RETURN of Expenditure in the Eastern Province during the year 1855.

	Albany.	Fort Beaufort.	Graaff-Reinet.	Somerset.	Colesberg.	Cradock.	Uitenhage.	Port Elizabeth.	Albert.	Victoria.	Queen's Town.	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
Fixed Salaries ..	5154	2602	2173	1442	1097	1220	1671	3343	1266	2737	853	23558
Provisional Salaries .....	11680	6125	911	438	436	429	619	619	329	7349	5036	33971
Allowances ....	2411	382	239	161	261	157	107	275	332	720	159	5204
Contingencies ..	44	2	29	14	29	4	..	160	23	12	22	339
Pensions .....	902	308	230	68	63	43	760	308	35	16	4	2737
Revenue Services ..	..	..	5	..	9	1	..	59	..	..	29	103
Administration of Justice .....	108	62	260	111	182	107	448	127	117	92	28	1642
Hospitals .....	..	14	..	5	360	14	59	30	..	1	7	490
Police and Gaols	508	296	878	398	251	334	374	389	531	222	109	4290
Rents .....	99	32	153	63	71	81	..	557	139	180	113	1488
Transport .....	249	122	623	378	367	181	870	255	349	184	162	3740
Conveyance of Mails .....	566	83	1228	974	572	124	1086	4178	713	432	23	9979
Scientific Institutions .....	100	..	200	..	..	..	..	..	..	..	..	300
Education .....	..	..	..	..	..	..	..	..	..	..	..	..
Works and Buildings .....	173	27	6	21	6	66	15	127	22	11	..	474
Roads, Streets, & Bridges .....	..	..	..	..	..	..	..	..	..	..	..	..
Miscellaneous ..	151	2	203	..	..	..	..	20	47	2778	3	3204
Aborigines ....	465	369	..	..	150	..	..	..	..	1348	95	2427
Parliamentary ..	5	4	174	15	..	42	6	5	8	..	..	259
Special Services	30	40	..	..	..	..	..	..	..	133	..	203
Agent General ..	..	..	..	..	..	..	..	..	..	..	..	..
Advances .....	4000	..	..	..	..	..	150	100	..	..	..	4250
Sums Refunded	..	35	213	59	95	4	53	151	7	226	1	844
	26645	10505	7525	4147	3949	2807	6218	10703	3918	16441	6644	99502

RETURN of Expenditure in the Eastern Province for the xiii.  
 formation or repair of Public Roads, Bridges, or Punts,  
 during the period of Five Years, ending 31st Decem-  
 ber, 1855.

Years.	Albany.			Uitenhage.			Somerset.			Cradock.			Colesberg.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1851	123	4	3	2499	9	9	4	19	6	..	..	..	..	..	..	2627	13	6
1852	171	9	3	2766	5	2	..	..	..	..	..	..	..	..	..	2937	14	5
1853	701	15	1½	1252	0	1½	88	15	2	..	..	..	..	..	..	2042	10	5
1854	1537	0	7	1854	2	11½	786	7	7¼	..	..	..	..	..	..	4168	11	1¾
1855	1422	12	6	3092	4	10	789	7	5	..	..	..	50	0	0	5354	4	9
	£ 3956	1	8½	11455	2	10	1669	9	8¼	..	..	..	50	0	0	17130	14	2¾

(Signed)

W. DE SMIDT, Secretary.

Central Road Board Office,

23rd May, 1856.

xiv. **STATEMENT of the Amount of Road Rates collected in the Eastern Province from 1851 to 1855, inclusive.**

Years.	Albany.			Uitenhage.			Somerset.			Colesberg.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1851	...	..	..	..	..	..	40	1	2	..	..	..	40	1	2
1852	298	11	0	..	..	..	..	..	..	135	0	0	433	11	0
1853	1209	8	9	63	6	8	..	..	..	75	13	8	1348	9	1
1854	239	15	8	375	10	9	..	..	..	..	..	..	615	6	5
1855	1152	4	8	..	..	..	..	..	..	..	..	..	1152	4	8
£	2900	0	1	438	17	5	40	1	2	210	13	8	3589	12	4

(Signed) W. DE SMIDT.

Office Central Road Board, Cape Town, 23rd May, 1853.

**RETURN of the number of Convicts employed on the Roads of the Eastern Province during the last Five Years, ending December, 1855, and the cost of their maintenance and discipline, and of the "Tools" supplied to them, together with the Salaries of the respective Officers having charge of them.**

Period.	Num-ber of Convicts.	Albany.			Uitenhage.			Somerset.			Total.			REMARKS.
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
1851	234	..	..	..	8485	11	11	29	4	6	8514	16	5	} Include extra expenses incurred at Port Elizabeth in consequence of the Kafir War.
1852	110	122	3	1	6174	16	7	..	..	..	6296	19	8	
1853	261	4336	0	4	2141	6	8½	600	4	2½	7077	11	3	The sum paid for Tools supplied to Convicts, to construct Roads during the last Five Years (which is included in Return No. 8), amounts to £848 14s. 8½d.
1854	327	5184	8	7	4052	1	3	3766	13	1	13003	2	11	
1855	357	5685	14	5	3724	15	1	3721	8	2	13131	17	8	
£		15328	6	5	24578	11	6½	8117	9	11½	48024	7	11	



XV.

Cape Town, 23rd May, 1856.

xvi. RETURN of the number of Convicts employed on the Roads of the Western Province, during the last Five Years, ending December, 1855, and the cost of their maintenance and discipline, and of the "Tools" supplied to them, together with the Salaries of the Respective Officers having charge of them.

Period.	Number of Convicts.	Cape.			Stellenbosch—Paarl.			Worcester.			Total.			REMARKS.
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	
1851	277	..	...	...	2611	6	7	5222	13	0	7833	19	7	
1852	435	..	...	...	3851	4	4½	8934	17	2	12786	1	6½	The sum paid for the supply of Tools, during the last Five Years, for constructing Roads by Convict Labour, amounts to £559 6s. 10d.
1853	485	..	...	...	5593	7	7	8810	18	11½	14404	6	6½	
1854	403	..	...	...	7277	10	4	7214	19	4	14492	9	8	
1855	208	233	5	5	7290	18	6	4307	0	5	11831	4	4	
		233	5	5	26624	7	4½	34490	8	10½	61348	1	8	

SALARIES drawn by Officers on the Convict Establishment, xvii.  
Western Province, in December, 1855.

SITUATIONS.	Annual Salary.			Allowances per Month and per Day.			
	£	s.	d.	£	s.	d.	
LICHTENBURG.—Magistrate .....	50	0	0	..	..	..	
Superintendent .....	200	0	0	..	..	..	
Forage allowance .....	..	..	..	0	1	6	per day.
Servant .....	..	..	..	0	1	6	"
Chaplain .....	150	0	0	..	..	..	
Servant .....	..	..	..	0	1	6	"
Forage .....	..	..	..	0	1	6	"
Extra .....	..	..	..	0	1	6	"
House-rent .....	..	..	..	3	0	0	per month.
Surgeon .....	120	0	0	..	..	..	
Forage .....	..	..	..	0	3	0	per day.
House-rent .....	..	..	..	3	0	0	per month.
Head Overseer .....	105	0	0	..	..	..	
Servant .....	..	..	..	0	1	6	per day.
Sub-overseer .....	80	0	0	..	..	..	
Servant .....	..	..	..	0	0	9	"
Ditto .....	75	0	0	..	..	..	
Servant .....	..	..	..	0	0	9	"
Ditto .....	50	0	0	..	..	..	
Servant .....	..	..	..	0	0	9	"
Storekeeper .....	50	0	0	..	..	..	
Servant .....	..	..	..	0	0	9	"
Command allowance to Sub-overseers .....	..	..	..	0	15	0	each, per month
Chief Constable .....	60	0	0	..	..	..	
Constable salaries, 2s. per day, and 10s. per month extra to those who served longer than 12 months, average .....	..	..	..	93	0	0	per month, for Dec., 1855.
PAARL.—Superintendent .....	150	0	0	..	..	..	
Forage allowance .....	..	..	..	0	3	0	per day.
Servant .....	..	..	..	0	1	6	"
Chaplain .....	150	0	0	..	..	..	
Forage allowance .....	..	..	..	0	3	0	"
Servant .....	..	..	..	0	1	6	"
MICHELL PASS.—Surgeon .....	120	0	0	..	..	..	
Forage .....	..	..	..	0	3	0	"
House-rent .....	..	..	..	3	0	0	per month.
Storekeeper .....	42	10	0	..	..	..	
Personal allowance .....	..	..	..	7	10	0	per annum.
Head-overseer .....	105	0	0	..	..	..	
Forage .....	..	..	..	0	1	6	per day.
Servant .....	..	..	..	0	0	9	"
Sub-overseer .....	55	0	0	..	..	..	
Servant allowance .....	..	..	..	0	0	9	"
Sub-overseer .....	60	0	0	..	..	..	
Servant .....	..	..	..	0	0	9	"
Two Sub-overseers, each .....	50	0	0	..	..	..	
Servant .....	..	..	..	0	0	9	"
Command allowance to Sub-overseers .....	..	..	..	0	15	0	each, per month.
Chief Constable .....	60	0	0	..	..	..	
Constable salaries at 2s. per day extra per month, for serving more than 12 months, average .....	..	..	..	87	0	0	per month, for Dec., 1855.

(Signed)

W. DE SMIDT, Secretary.

Office Central Road Board, Cape Town, 23d May, 1856.

No. 32.

Custom House, Cape Town, 24th April, 1856.

SIR,

In reference to your letter of yesterday's date, with its accompanying Extract from an address of the Legislative Council, calling for the following Returns, viz. :—

- 1.—Return of Colonial Produce, distinguishing the articles exported during the year 1855, from Table Bay and Port Elizabeth, respectively.
- 2.—Return of Colonial Produce shipped Coastwise from Port Elizabeth to Table Bay, during the same period, distinguishing the articles and estimated value.
- 3.—Return of Colonial Produce and imported Merchandize, shipped from Table Bay, coastwise to Port Elizabeth and East London, during the same period.

I have the honour to transmit herewith the first-mentioned of the above returns, but with respect to the second and third, as to Goods shipped *coastwise*, I am unable to furnish the same, for the reasons stated in my letter to you of the 23rd Instant (No. 29), in regard to a Return called for by the House of Assembly, of particulars of Goods sent coastwise.

I have, &amp;c.,

(Signed)

W. FIELD.

The Honourable the Colonial Secretary,  
&c., &c., &c.

RETURN of Colonial Produce, distinguishing the Articles      xix.  
Exported during the year 1855, from Table Bay and Port  
Elizabeth, respectively.

DESCRIPTION OF ARTICLES.		CAPE TOWN.		PORT ELIZABETH.	
		Quantities	Value.	Quantities	Value.
			£		£
Aloes .....	lbs.	247744	3784	370711	4677
Argol .....	lbs.	71176	1985	....	....
Beef and Pork .....	casks	2867	8492	153	539
Bone (Whale) .....	lbs.	1120	61	....	....
Butter .....	lbs.	14641	688	53240	2612
Candles .....	lbs.	4735	191	....	....
Copper Ore .....	tons	1864	54337	....	....
Corn, Grain, and Meal, viz.:—					
Barley .....	muids	1709	810	153	88
Beans and Peas ....	muids	1323	1325	510	472
Bran .....	lbs.	603546	2024	89010	323
Flour .....	lbs.	1311689	14957	....	....
Oats .....	muids	8728	3784	2036	783
Wheat .....	muids	797	1219	....	....
Feathers (Ostrich) .....	lbs.	660	4182	195	967
Fish (Cured) .....	lbs.	1372146	8552	84850	450
Fruits, viz.:—Dried. ....	lbs.	387631	5175	102	4
Green .....	lbs.	225	4	....	....
Hides, viz.:—Ox and Cow ....	no.	34786	24441	38785	27965
Horns .....	no.	85721	1707	101117	2072
Horses .....	no.	317	12365	15	324
Ivory .....	lbs.	2327	473	11398	4799
Mules .....	no.	2	50	....	....
Oils, viz.:—Seal .....	galls.	150	38	....	....
Sheep Tail .....	galls.	nil	nil	....	....
Whale .....	galls.	537	99	....	....
Sheep Tail .....	lbs.	....	....	....	....
Skins, viz.:—Basil .....	no.	....	....	....	....
Calf .....	no.	284	27	....	....
Goat .....	no.	112971	13603	87656	10779
Seal .....	no.	1748	486	....	....
Sheep .....	no.	288146	18243	104238	5669
Spirits, viz.:—Brandy. ....	galls.	8745	1434	....	....
Tallow .....	lbs.	175168	4343	212481	5153
Wax, viz.:—Bees .....	lbs.	10	5	....	....
Berry .....	lbs.	3416	176	375	18
Wine, viz.:—Constantia .....	galls.	1800	831	....	....
Ordinary .....	galls.	491958	60207	....	....
Wool, viz.:—Sheep .....	lbs.	2326165	125874	9690250	508283
Other Articles .....	..	....	12452	....	4934
Total, ..			£ 388397		580911

NOTE.—In the Account of the Port of Cape Town, the exports from its sub-ports of Port Beaufort and Mossel Bay are included.



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